

**SGI** Sustainable  
Governance  
Indicators

## 2015 Spain Report

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## Executive Summary

After more than five years of uninterrupted deep economic crisis produced by a combination of internal, European and international factors, the Spanish recession was over by mid-2013. During the period under examination, domestic growth and European Central Bank policies timidly started boosting employment, paving the way for a virtuous cycle of more domestic demand and, subsequently, to a higher rate of job creation. In November 2013, Spain cleanly exited an EU bailout program that was originally agreed to in 2012, in response to the country's deepening financial crisis, to capitalize several savings banks. Despite continued instability in the euro zone, foreign investors have returned in force. The now completely restructured banking system has assured its survival and bond yields have plunged (with Spain borrowing at similar or lower rates than the United States). Credit is also starting to return to small companies. Growth was 1.4% in 2014 and estimates for 2015 are being revised upwards, some as high as 2.5%. Facing a difficult election year, the Popular Party (PP) government has taken advantage of this recovery to promise small tax cuts and to pursue a slower reduction of the budget deficit (which is still above 5.5% of GDP); a change made possible by a less rigid European Commission.

In comparison to the previous SGI review period (2011 – 2013), the policy outcomes in most economic domains are improved. It remains, however, premature to assume that a truly sustainable path has taken hold. Exports, which remarkably increased during the worst years of the crisis, will not suffice to compensate for the boom of imports that may accompany the recovery and, thus, Spain could easily slip back into a current account deficit. The future sustainability of the economy is threatened even more by rising public debt (which will soon exceed 100%), growing social inequalities and a high unemployment rate (24% in autumn 2014). After several years of recession, social unrest has eroded legitimacy and trust in public institutions, and fueled centrifugal tensions in Catalonia and the emergence of a radical leftist political party (Podemos, translated into English as “We can”). Podemos went so far as to lead in some national polls at the end of 2014.

To be sure, several weaknesses persist. Investment in R&D has reached only 1.24% of GDP, while the European Union and OECD averages are above 2%. Education policy faces problems of quality and equity (in particular, with

regard to pre-school education access, socioeconomic segmentation, and early school leaving). Social exclusion remains a perennial problem with 20% of Spaniards living at risk of poverty. Public spending on social services and family support for women combining parenting and employment has been greatly reduced. In addition, longer life expectancies are leading to an unsustainable population pyramid – the worst in Europe – which, in combination with the impacts of the crisis, has reopened the debate on the future of the Spanish Social Security system. Nonetheless, the 2013 - 2014 period saw some positive trends in other policy areas such as health care (a very well-considered system despite recent budgetary cuts), the integration of immigrants (Spain ranks as the most tolerant country in the EU), and safety and security. The international position of the country has also improved since 2013, though engagement in external efforts to promote development and other global public goods is still quite limited.

The crisis has not significantly eroded the relatively high quality of democracy (in spite of some debates on restricting abortions). 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 referenda also remains a weakness of the political system. Media pluralism and independence, in which Spain had made important progress during the preceding years, deteriorated. On the whole, the most significant advance was the entry into force of the country's first freedom of information law. Conversely, the most worrying development was the drafting of a controversial public safety bill that, if enacted, would restrict some political liberties.

Finally, regarding the governance capacities of the Spanish political system, the results are very much influenced by the absolute majority enjoyed by the Rajoy government, which entered office in late 2011. On the one hand, the strong single-party executive has introduced a more strategic vision, reinforced the centralization of policymaking through the prime minister and Government Office (Ministerio de la Presidencia), and slightly improved interdepartmental coordination, ministerial compliance, self-monitoring, and control over regional finances. The government has also announced a strategy to improve lawmaking through “smart regulation” and “better regulation” (which is remarkable given the country's scarce tradition of evidence-based policymaking). On the other hand, the interaction with the legislature, subnational governments and societal actors has become less balanced. The government generally fails to build public support for its policy decisions, circumvents close scrutiny by the opposition in the General Courts (Las Cortes Generales), and is trying to narrow the scope of discretion formally enjoyed by

the autonomous regions and local authorities. The state of the, extremely strained, relationship between government and Spanish society will be tested in general elections in December 2015.

## Key Challenges

Spain was in an economic recession from 2008 to 2013 and this, combined with significant cuts in government expenditure, resulted in poor policy outcomes. Regarding the government's strategic reform capacity, however, the assessment is more positive. Even though the structural reforms were controversial (either for being too radical or too timid), the government launched numerous initiatives in the last years in an attempt to deal with the crisis: a profound revision of the labor market and pension schemes, and restructuring the banking system as well as more minor reforms in education and public administration. Spain has undertaken these societally painful reforms with both political encouragement and some economic support from the EU. At the same time, Spain has also suffered from the EU's excessive emphasis on austerity measures, rather than growth initiatives (the new political cycle inaugurated in Brussels during 2014 appears more balanced). By late 2014, positive economic-performance signs suggested that the recovery was occurring more quickly than expected.

Nonetheless, Spain still faces several challenges on the sustainability of its policy performance and the legitimacy of its political system. To begin with, Spaniards have come to realize that their previous economic success (1994 - 2008) was built on shaky ground. There is, however, widespread disagreement as to how to deal with the necessary adjustments. The Rajoy government, which enjoys an absolute majority in the bicameral General Courts since 2011, decided that its first priority was to convince the markets that Spain would be able to avoid a sovereign default or a prohibitively expensive bailout. For this reason, the strategy combined actions at two levels. At the EU level, through various attempts to gain support and flexibility and, above all, to promote further integration by strengthening the currency both economically and politically. At the domestic level, the strong preferences of EU institutions, creditor member states and, to some extent, the Popular Party (Partido Popular) was to restore economic health through fiscal austerity, reduction of private debt, the recapitalization of ailing banks and an internal devaluation oriented toward regaining international competitiveness. In truth the government has largely attained these objectives – combining unpopular internal reforms and some successes in Brussels.

Nevertheless, the main strategic challenges for the future economic performance of Spain are still domestic – both on the fiscal front and, above all, in its capacity to create jobs. Despite the austerity measures implemented since 2010, fiscal weakness persists. Unless the recovery is really fast and sustained, the continued gap between public spending and tax receipts will oblige Spain to either meet further borrowing requirements, implement additional cuts or, more attractively, to collect more revenue (by combating tax evasion, which remains high, or increasing environmental taxes, which are currently the lowest in the EU). Regarding unemployment, the destruction of jobs recently reversed thanks to stronger competitiveness. This, however, cannot be eternally based on wage cuts. Therefore, greater effort is required to promote a new growth model based on education and innovation.

Evidence suggests that the current Spanish education and R&D systems are hindering the move toward a more knowledge-based economy. Compulsory education and universities are not characterized by excellence: the number of early school leavers is double the EU average (though figures are falling from a peak during the construction boom, when students had a strong incentive to drop out of school at 16 and start work), PISA results are poor and only three Spanish universities rank among the world's top 200. Spending on research and innovation is at only 1.3% of GDP – below that of other advanced economies. The government has repeatedly declared that more attention to education, innovation and entrepreneurship is strategically necessary to change an economic model too dependent on real estate and tourism. Spain has the potential to achieve this objective (as illustrated by research showing that, when resources are available, the country is highly attractive to foreign students; Spain also hosts several leading graduate schools considered among the best internationally). However, since 2011 the government has severely reduced expenditures on schools, universities and research. The only reform policy that can scarcely be considered structural, is a new law on the quality of education – the outcome of which is doubtful.

The priority given to crisis management, combined with the resulting lack of money, has had a worrying effect on other “expensive” policy domains – social and environmental programs – that also require strategic attention. Despite the recession, Spain's per capita income was \$31,000 in purchasing power parity terms in 2014 (from a peak of \$34,000 in 2008), but the crisis has amplified inequality and undermined every social program. A resulting major crisis involves maintaining social cohesion in the short term, for there is a risk that the costs of austerity and internal devaluation may become unsustainable, and also over the long term, since the spending cuts in health coverage, education, inclusion and family policies may increase tensions between the “haves” and the “have-nots.”

The ageing population is 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 age 64 or over by 2050 (the proportion was 17.4% in 2012). This is obviously connected with future immigration and the integration of foreign workers (remarkably, Spanish society has so far avoided intolerance, although this may change with the next generation) but also with the sustainability of the pay-as-you-go pension system. In recent years, the number of social security contributors per pensioner has dropped from 2.3 to 1.8. The Rajoy government has promoted two reforms: to raise the retirement age and to recalculate pensions based on the economic situation and a longer period of the worker's earnings. It remains to be seen if this will be enough to guarantee sustainability and how these lower pensions will impact the social well-being of older people.

Regarding environmental sustainability, the current government shows little concern despite the country's risky position with regard to global problems such as desertification and climate change. Spain, which needs to import most of its energy, has decided to reduce its earlier – wise though expensive – stake in renewable energies. Foreign affairs policy also requires more strategic attention. The crisis has not only undermined the external prestige of the country, but also drastically reduced its capacity for contributing to global governance in the areas of security, economy and development. It is also true, however, that Spain's international projection is still remarkable. The country is among the top 10 to 15 countries with the most international presence (in absolute terms) and has been elected as a member of the UN Security Council for 2015-2016. Both the government and society, having realized during the crisis how interdependent Spain is with the rest of the world, are now willing to adopt a more strategic foreign policy.

Perhaps the most complex challenge that Spain must grapple with in the aftermath of the economic crisis does not regard policy performance but, rather, the legitimacy of its entire political system. Most Spaniards are dissatisfied with the way their democracy works and this disaffection toward institutions has combined with peripheral nationalism in Catalonia and with an anti-austerity sentiment throughout the country. This anti-austerity movement has fueled the emergence of the radical leftist political force Podemos (translated into English as "We can") which has shown much appeal in opinion polls. Efforts in Catalonia to vote on the region's future relationship with Spain could further destabilize the country's political system. Without ignoring the important strengths of the Spanish party system and the stability of the government when compared to other southern or even northern European countries, a renewal of the constitutional pact seems unavoidable.

Dimensions to be addressed include the appropriateness of the territorial structure to the asymmetric demands of self-government and the empowerment of citizens who tend to consider the policymaking process too dominated by the political parties, EU technocrats and interest groups. Thus, some structural reforms need to be undertaken on the institutional and governance dimensions. The most critical ones involve the opaque party financing system – which is the main source of corruption – and other mechanisms of control which need improvements or safeguards (such as intraparty democracy, resources for stricter parliamentary accountability, guarantees of media freedom, and a more effective and neutral judicial system). The difficulty of accessing government information and the poor quality of regulation are two additional dimensions which, even with recent progress, require further improvement.

Finally, a more balanced and smooth interaction between the government and other political actors is much needed. Spanish democracy, because of the electoral system and the operation of the executive and legislature, has tended to be rather majoritarian, with pros and cons vis-à-vis the consensus model. The crisis has shown the worst face of these adversarial politics. Even before the crisis began, however, political confrontation had overshadowed any sense of the common good and ignored the strategic reforms necessary for sustainable policies. After the crisis hit, the government imposed key decisions with little effort to build public support or to negotiate with the opposition, autonomous regions or societal groups. This leadership style has contributed to alienating citizens from the political system and now the general public appears to demand a radical change within Spanish institutions.

Depending on the strength of emerging anti-establishment parties in the 2015 elections, the landscape of the, so far stable, Spanish political system may change radically and this may lead to either positive or negative developments. The public's obvious disaffection, peacefully channeled until now, and other mechanisms may help to improve the quality of the political system. Citizens may become more involved and critical toward long-established governance defects such as the excessive concentration of power in party machines, lack of transparency in the administration and significant degree of corruption. According to polls, Spaniards still agree on 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 may stimulate more power-sharing and sustainable governance.

# Policy Performance

## I. Economic Policies

### Economy

Economic Policy  
Score: 6

Beginning in 2008 and ending in 2013, Spain sunk into a deep double-dip recession that lasted five years. This terrible period, in which unemployment exceeded 25% and the country had the highest public deficit among EU countries (see “Labor Markets,” “Taxes” and “Budgets”), exposed serious internal structural weaknesses linked to a real estate bubble and massive losses of productivity since 2000. As a member of the euro zone, has grappled with a very difficult situation in which it has lacked flexibility in its monetary and exchange rate policies and has been subject to strict fiscal austerity. Moreover, the flaws in the design of the euro seriously damaged the functioning of the euro zone interbank system, making it difficult for Spanish institutions to refinance their debts. With sovereign risk at unsustainably high levels, social unrest on the rise, and growing doubts about the banking system, it was not surprising that, after Greece, Spain became a subject of considerable international concern.

However, since 2013, Spain has been undergoing a surprisingly strong recovery as the economy has adjusted quickly. Spending cuts and some structural reforms as part of the government’s National Reform Programme (labor market, control of public finances, banking sector recapitalization) proceeded at a rapid pace, unit labor costs fell significantly and productivity rose. Most encouragingly and despite the strength of the euro, exports began booming already in 2011 and, after 2012, FDI increased as well. Once Spain’s access to finance was expanded (a result of ECB policies) and granted by the European Commission more flexibility in meeting its fiscal targets, the economy began to grow again. Spain’s recovery gathered momentum in 2014 with the economy growing by 1.4%, the highest level in more than six years (estimates for 2015 suggest an impressive 2.5% in growth, which is much higher than that seen in other large euro zone economies). This recovery combines net exports and, for the first time in several years, domestic demand. However, it remains premature to assume that a truly



sustainable economic path has taken hold, as bank lending remains limited, inequalities are growing and unemployment is high (24% in autumn 2014).

Citation:

Charles Powell and Federico Steinberg. "The Pain in Spain: Light at the End of the Tunnel?", *The International Spectator: Italian Journal of International Affairs* (Volume 47, Issue 4, 2012).

*The Economist*. 2014. "Bouncing back". [www.economist.com/news/europe/21605962-surprisingly-strong-recovery-largely-export-driven-bouncing-back](http://www.economist.com/news/europe/21605962-surprisingly-strong-recovery-largely-export-driven-bouncing-back)

### Labor Markets

Labor Market  
Policy  
Score: 4

Even if Spain still has one of the highest unemployment rates among OECD countries, Spanish labor market policies have shown some success during the period under review. The jobless rate reported by the Spanish Statistics Institute (INE) was 23.7% at the end of 2014, having fallen from an all-time high of 27% in the first quarter of 2013 (the rate averaged 16.3 % from 1976 until 2014).

High levels of structural unemployment affect primarily low-skilled workers, women and young people, and in particular those individuals living in southern regions. There is also a long-established pattern of severe mismatch between workers' qualifications and job availability, with many highly skilled employees not making adequate use of their expertise and capabilities. During the years of crisis, unemployment increased dramatically, from 2.1 million jobless workers in December 2007 to a peak of 6 million in February 2013. Beyond the fact that the previous real-estate bubble had popped, this painful dynamic created an intense debate on Spanish labor-market weaknesses: the inflexibility of employment regulations (particularly concerning layoffs), the rigidity of collective agreements and, above all, the existence of a dual labor market in which an enormous 35%-40% of the workforce serves under temporary contracts and has no job protection. This stands in direct contrast to those who are overprotected (60%-65%).

The Popular Party (Partido Popular, PP) government passed a reform (Royal Decree Law 3/2012) containing several measures such as prioritizing enterprise agreements over collective agreements with the aim of moderating wages; reinforcing temporary-job companies as employment agencies; fostering the use of training contracts and extending the age of eligibility for such programs to 30; introducing a new permanent contract with fiscal benefits for SMEs; creating bonuses for hiring groups hit particularly hard by the crisis, such as youth and older people; restricting the succession of temporary contracts and modifying part-time contracts; introducing the possibility of modifying the functions of employees, as well as their workday and salary.

Though still quite high, unemployment began to fall beginning in early 2013,

when the Spanish economy entered recovery. By the end of 2014, the number of jobless workers had fallen to 5.4 million (or 4.5 million with reference to those registered as unemployed). A quarter of the new jobs were directly connected to a new contract modality introduced by the 2012 decree, but it is difficult to conclude that it has been the labor market reform (rather than the broad effect of the economic recovery) which has provided this new positive trend. If anything, the new regulation has had an impact by minimizing dismissal protections and decreasing salaries (as collective agreements have become more flexible) through a process of internal devaluation that reduces labor costs. As a result, the Spanish economy is now somewhat more competitive. And though it is creating jobs, this comes at the expense of job security and wages.

The Spanish labor market continues to languish under problems that public policies have been unable to solve. Perhaps the three most important ones are: a) lack of flexibility in the labor force (insufficient mobility, few part-time contracts), b) high numbers of undeclared work (which also means the actual unemployment is not so extreme) and, above all, c) the aforementioned dual labor market, which is an important source of inequality. Analysts also point to the several contract modalities, a flawed social dialogue and expensive compulsory social security contributions.

Finally, it has to be mentioned that public spending on labor policies now comprises a considerable share of GDP (around 4%). This is mainly as a consequence of unemployment benefits, although two million jobless workers, immigrants in particular, are not entitled and do not receive any benefits whatsoever. At the same time, public spending cuts have reduced active labor market policies programs to help the unemployed find work (e.g., training).

Citation:

Economically Active Population Survey (EAPS-EPA) 2014 third quarter. Spanish statistics institute INE. [www.ine.es/dyngs/INEbase/es/operacion.htm?c=Estadistica\\_C&cid=1254736176918&menu=ultiDatos&idp=1254735976595](http://www.ine.es/dyngs/INEbase/es/operacion.htm?c=Estadistica_C&cid=1254736176918&menu=ultiDatos&idp=1254735976595)

Labour Cost Index. Eurostat.

<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=teilm100&plugin=1>.  
<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tps00076&plugin=1>

## Taxes

Tax policy only partially achieves the objectives of equity, competitiveness and sufficiency in Spain. The country's currently high level of public deficit and debt (see "Budgets") underscores a deeply unbalanced relationship between public revenues and spending. Although this may be attributed to the crisis that has hit the country since 2008, previous budget surpluses (from 2005 to 2007)

derived from the real estate boom vanished once the bubble burst and expenditures continued to grow. Spain collects less in taxes relative to wealth (37% GDP in 2014) than most other European countries.

Tax policy with regards to equity and competitiveness is more difficult to assess. Vertical equity exists in principle (with strongly progressive income taxes and different VAT rates on products and services), but horizontal equity suffers because of (a) corporate tax engineering, (b) fraud (which is much easier for companies and professionals to commit than it is for medium- and low-income taxpayers) and (c) the underground economy, from which the state does not collect taxes at all. Although the Spanish taxation agency (AEAT) is generally efficient, it has limited resources to collect taxes (its staff rate is only 0.61 per 1,000 inhabitants which is the second lowest in the EU only after Italy). Recent increases in indirect taxation introduced during the review period have rendered the tax system less competitive.

The current center-right Popular Party (PP) government has passed three big controversial tax reform packages since assuming power in late 2011. The two first reforms were implemented in 2012, when there was a clear risk of Spanish public debt becoming unsustainable. These reforms involved tax increases (primarily VAT but also direct income taxation) and remarkable spending cuts adopted to limit the budget deficit. The third reform package was decided in 2014 and consisted of generous tax cuts: the top rate of corporate tax fell from 30% to 25% and the top rate of income tax from 52% to 45%. According to Spain's finance minister, this is compatible with the goal of reducing the public deficit at the same time (assuming that the stimulating effect on the economy can counterbalance reductions in some taxes).

Nevertheless, decisions concerning tax policy during these years have been strongly influenced by the economic crisis and short-term considerations, including elections, without a comprehensive underlying logic driving the process. A more radical reform of the taxation agency (expanding its human, ICT and financial resources) is clearly needed.

Citation:

Queralt, D. 2013. "Una política fiscal eficaz y progresiva" Agenda Pública [www.eldiario.es/agendapublica/blog/politica-fiscal-eficaz-progresiva\\_6\\_88601151.html](http://www.eldiario.es/agendapublica/blog/politica-fiscal-eficaz-progresiva_6_88601151.html)

## Budgets

Budgetary Policy  
Score: 6

At several points in the euro zone crisis (spring 2010, summer 2011 and again spring 2012), Spain's budgetary situation has been considered almost unsustainable. As a result, and although it was a fall in revenues rather than

uncontrolled spending that drove up the public deficit, considerable budget cuts were increasingly introduced. The most strict austerity phase began in May 2010 and lasted until early 2013, when the risks of insolvency clearly diminished and EU institutions began adopting a somewhat more flexible attitude toward deadlines in the attempts to curb Spain's public deficit.

However, throughout the period under review, austerity measures continue to dominate Spanish budgetary policy. Considering the small margin for implementing any other fiscal policy and the absence of autonomous monetary policy in the context of the EMU, the budgetary cuts and two structural reforms (reform of the labor market and saving banks recapitalization) are the three main features of the current government's economic policy. This fiscal restraint has succeeded in reducing long-term public sector borrowing costs thereby preventing Spain from being forced into a full bailout scheme. However, given the context of the severe economic crisis, neither the deficit (approximately 6% GDP by the end of 2014) nor public debt (97% of GDP) have been significantly reduced. Spain has the highest deficit in the EU, and its public debt to GDP ratio is the seventh largest in the EU (after Greece, Italy, Portugal, Ireland, Belgium and Cyprus). Thus, it would be premature to conclude that Spanish budgetary policy has realized the goal of fiscal sustainability.

Nevertheless, the spending cuts were achieved with great effectiveness by central and regional governments. This fiscal policy, imposed on Spain by Brussels and Frankfurt (and Berlin), has allowed Spain to regain credibility and, at the end of 2014, Spain's risk premium was at the lowest level seen since early 2010. If economic growth consolidates and the ECB continues its current expansionary monetary policy, the long-term sustainability of Spanish public finances will continue to improve.

The most important budgetary reform introduced in 2013 and 2014 has been the implementation of the Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations (also important in the past was the 2011 constitutional reform which establishes the obligation of a balanced budget and requires that the state give public debt payments priority over any other expenditure). A particularly positive development was the November 2013 creation of the Independent Authority for Fiscal Responsibility (AIReF) which has the mission of overseeing compliance with the goals of budget stability and financial sustainability.

Citation:

Independent Authority for Fiscal Responsibility: [www.airef.es/?locale=en](http://www.airef.es/?locale=en)

## Research and Innovation

R&I Policy  
Score: 4

Spain has never been a leading example of research and technology policy, as evidenced by the relatively poor ranking of its universities, the reduced number of patents registered and other indicators of public or private support to innovation, which are far below other advanced economies. Although it is true that there has been an increase in the public spending devoted to innovation since the turn of the century, the crisis has hit this strategic field and the draconian cuts implemented in the last years have worsened the earlier situation – which was not brilliant, either. The last Eurostat figures show a deep decrease in investment in R&D, reaching only 1.24% GDP in 2013 (from a peak of 1.35% in 2009) while the European Union and OECD averages are above 2%. The Ministry of Science and Innovation actually disappeared in 2012 when it merged within the Ministry of Economy.

The government's pledge to promote a new model of economic growth based on brainpower rather than on construction after the bursting of the housing bubble has not been reflected in the budget. On the contrary, the national research council CSIC (the largest Spanish scientific institution with 6,000 scientists and more than a hundred institutes) signaled in 2013 that a "catastrophe" in its research centers may happen if no extra money was found. Its budget has fallen by 30% from 2008 levels, and it only offered 35 permanent positions in 2014, compared with 263 in 2008. The budget of the largest university (Universidad Complutense de Madrid) has also been reduced by 15% during the same period. Since 2012, the seven public research entities (including the CSIC) linked to the central government have been assigned a replacement rate of only 10% of retired scientists. The same restriction applies to all public universities with more teaching obligations for professors, who, consequently, have less time devoted to research. At the regional level, the promotion of research has also suffered considerably, except in the cases of the Basque country and Andalusia, which show some progress regarding patents registered.

Many promising young researchers are going abroad because it is difficult to remain competitive in a climate of such uncertainty with scarce resources. A rise in the median age of the scholarly workforce, the obsolescence of lab instruments and an excessive bureaucracy are other mitigating factors. As a consequence, citizens have become more aware of the relevance of R&D policies. According to the Cotec Report on Technology and Innovation, some positive signs regarding R&D investment were evident in 2014, largely thanks to European Commission funding and private investment (which represents 53% of total Spanish R&D spending).

Citation:

<http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tsc00001&plugin=1>

COTEC. 2014. Informe 2014 sobre Tecnología e Innovación en España. [www.cotec.es/index.php/pagina/sala-de-prensa/notas-de-prensa/show/id/1033/titulo/cotec-presenta-su-informe-2014-sobre-tecnologia-e-innovacion-en-espana](http://www.cotec.es/index.php/pagina/sala-de-prensa/notas-de-prensa/show/id/1033/titulo/cotec-presenta-su-informe-2014-sobre-tecnologia-e-innovacion-en-espana)

[http://sociedad.elpais.com/sociedad/2014/04/16/actualidad/1397672744\\_539094.html](http://sociedad.elpais.com/sociedad/2014/04/16/actualidad/1397672744_539094.html)

## Global Financial System

Stabilizing  
Global Financial  
Markets  
Score: 7

Spain, though aware of its limitations as an economic middle weight, behaves as an important partner in international fora and tries to contribute actively to improve the regulation and supervision of financial markets, as one of the countries which has been particularly hard-hit by the global economic crisis and financial instability since 2008. It participates in the G-20 meetings as a “permanent guest” and in the Financial Stability Board. It is also part of the IMF system (with 1.63% 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 which offer loans to developing countries such as the IBRD or IDA). It has also been engaged within the OECD in the fight against tax havens and particularly active regarding its neighboring territories of Andorra and Gibraltar.

At the European regional level (but with a global impact) Spain is a member of the European Union and the fourth most important state of the euro zone, pushing hard from 2013 to 2014 toward a banking union and a more active role for the European Central Bank in strengthening the single European currency. It has also advocated for the improved regulation of rating agencies. In the private financial dimension, the Madrid stock exchange plays a relevant role, while Banco Bilbao Vizcaya Argentaria (BBVA) and Santander are very important international banks. In November 2013, Spain cleanly exited a bailout program that was agreed to in 2012 by the European Union to capitalize Bankia and other smaller former savings banks in response to the country’s deepening financial crisis. The now completely restructured banking system has guaranteed its survival (although loans will have to be paid back over the next 15 years).

Citation:

[www.imf.org/external/np/sec/memdir/members.aspx#S](http://www.imf.org/external/np/sec/memdir/members.aspx#S)

[web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/WBEUROPEEXTN/SPAINEXTN/0,,contentMDK:20811636~menuPK:2205720~pagePK:141137~piPK:141127~theSitePK:292395,00.html](http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/WBEUROPEEXTN/SPAINEXTN/0,,contentMDK:20811636~menuPK:2205720~pagePK:141137~piPK:141127~theSitePK:292395,00.html)

## II. Social Policies

### Education

Education Policy  
Score: 5

Since the 1980s, Spanish investment in education (number of teachers, schools, universities, transfers and scholarships) has increased the enrollment rates and graduate output of upper secondary and tertiary education by a considerable margin. To be sure, there are still problems of quality (as is explained below) and equity (in particular, regarding access to preschool education or as a consequence of the socioeconomic class segmentation between students in public schools and those attending public-funded private, normally Catholic, schools). Efficiency could be improved upon as well. For example, early school leavers make up almost 25% of the young population, and are not easily brought into training programs. Even if there has been some recent improvement in these figures, this problem does not facilitate the goal of creating a skilled labor force. Anyhow, the goal of creating a relatively efficient education system that facilitates high-quality learning for everyone has been largely achieved.

Despite this success, it is broadly perceived among Spaniards that educational outcomes are mediocre. This perception is based in part on Spanish universities' poor international ranking and PISA test results. This concern about the state of the system has fostered social and political momentum for launching reforms in recent years. However, budgetary austerity has meant that only a few and inexpensive regulatory measures targeting quality and efficiency in resource allocation have been implemented, but at the expense of fairness in access.

Spain's legislature, the General Courts, passed a new law at the end of 2013 (L.O. 8/2013) to "improve the quality of education" (also known as the "Ley Wert," in honor of the conservative minister for education) by taking advantage of the absolute majority enjoyed by the Popular Party (Partido Popular, PP) since no other party supported the reform. The initiative is ambitious in introducing competition to the system, but it lacks a wide social consensus from parents or teachers and it is not well funded. As its title suggests, the law focuses more on quality than on equality of opportunities. The latter has declined since 2011 as a result of education spending cuts (in 2015, education spending accounted for 5.6% of GDP, far below the OECD average of 6.3%) and the increase in fees and conditions for obtaining funding and scholarships, which serves to exclude poor students from the system.

## Social Inclusion

Social Inclusion  
Policy  
Score: 4

Societal exclusion remains a perennial problem for Spain: 20% of Spaniards live at risk of poverty (or 27% if the more exigent AROPE indicator is used). 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 25%-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 rate of workers under the poverty threshold is also very high - at 12.3%, this represents the third worst case in the EU (average is 9%).

Two back-to-back recessions (2008-2009 and 2010 – 2013) have further impoverished vulnerable households and broadened the gap between the poorest and wealthiest sectors of the population. Spain's Gini coefficient (0.35 in 2014) places the country as the 13th most unequal country in the OECD. 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 and salaries or benefit cuts) and austerity measures (in health care, education, social services, disabled) have exacerbated marginalization. Even private-run social organizations have not been able to provide sorely needed services. Nonetheless, Spain is on par with the OECD average in terms of welfare spending on pension, family, health and integration policies.

In other areas of discrimination not associated with poverty, the current government has not been very active in combating social exclusion, but it nevertheless respected previous policies regarding gender equality in institutions or the rights of homosexuals (see "Non Discrimination"). Finally, it can be mentioned that a new legislation (RDL 1/2013) on equal opportunities of people with disabilities and their societal inclusion was passed in December 2013, at the same time that economic assistance to care for dependent people was almost eliminated.

## 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 report published in 2014 by the OECD and the European Commission, the data regarding high life expectancy and 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, though HIV-AIDS, cocaine use and smoking have declined sharply in recent years. Thus, 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.

The number of practicing doctors, nurses and hospital beds per 1,000 residents is relatively low, but access to a core set of high-quality health services is guaranteed through a public insurance system that covers 99% of the population. But the quality of this system has deteriorated in recent years. As in other southern euro zone countries, health care spending has fallen in Spain. The most recent reports emphasize deficiencies in waiting lists, patient rights and sickness prevention. There is also interregional inequality. Nevertheless, health care spending still accounts for a large share of public funds, representing approximately 9% of GDP – which is close to the OECD average.

Inclusiveness has suffered as a consequence of the Royal Decree Law of “Urgent Measures to Guarantee the Sustainability of the National Health System and Improve the Quality and Security of its Services.” This legal reform, approved in 2012, involves the (1) refusal to provide assistance to unregistered immigrants and (2) an increase in the percentage of medicines paid for by users, including senior citizens (who must now pay 10%) and general workers (who must cover 40% to 60% of medicine costs, depending on their incomes). Conversely, the system has become more cost efficient, in particular with regard to pharmaceutical spending. Whereas the economic crisis given rise to problems for the short term, an aging population (one out of five Spaniards will be older than 65 years of age by 2025), increases in chronic diseases, new and highly expensive treatments, and a general abuse of free medical appointments are jeopardizing the system's sustainability in the medium and long term.

Citation:

OECD and European Commission. 2014. Health at a Glance: Europe 2014 Report [http://ec.europa.eu/health/reports/docs/health\\_glance\\_2014\\_en.pdf](http://ec.europa.eu/health/reports/docs/health_glance_2014_en.pdf)

## Families

Family Policy  
Score: 5

Even if traditional family patterns (in which mothers focus on household and child care work) have changed to some extent in Spain, this has been more the result of slow sociological developments than the outcome of an explicit family support policy. Public spending on social services or subsidies designed to support women in combining parenting with employment has been cut back considerably – a trend intensified as a result of the economic crisis and budgetary constraints.

The moratorium in implementing the National System of Dependency (for care of dependent people) has made it more difficult for women to remove themselves from the burden of family care. The paternity leave program introduced in the mid-2000s is not taken advantage of much, and further measures are needed to facilitate a culture of shared responsibility for child care. A corporate culture of “presenteeism” at the workplace does not help either.

In general, timid government action and traditional gender roles still rooted among Spaniards keep women in an unequal position. Even if the Ministry of Employment tries to ensure employers’ compliance with legislation on non-discrimination, the wage and pension gaps between men and women comes close to 20%. Women’s participation in the labor market is also much lower than that of men. In 2013, the female activity rate was approximately 54%, while the male rate was 66%. Unemployment rates among men and women are similarly high at 25%.

Subsidies to families have also been significantly cut back. However, four years after the elimination of the so-called “cheque bebe” (a €2,500 benefit for every newborn or adopted child), the current government has approved a tax reform to benefit large families (i.e., three or more children). This reform will take effect as of 2015, which is an electoral year and dovetails with taxpayers’ applications for deductions amounting to €100 or 200 per month, depending on the number of children. Nevertheless, the very low fertility rate also demonstrates how timid Spanish family support policies are.

Citation:

Instituto Nacional de Estadística. 2013. Economically Active Population Survey (EAPS). Madrid: INE [www.ine.es/en/daco/daco42/daco4211/epa0113\\_en.pdf](http://www.ine.es/en/daco/daco42/daco4211/epa0113_en.pdf)

## Pensions

Pension Policy  
Score: 6

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 or labor market reform, Spanish pensioners have maintained their purchasing power during the crisis years. Moreover, whereas the poverty rate of the total Spanish population is at 20.5% (and 26.5% among children), the rate among the elderly is only 12.5%. 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 those publicly subsidized – through favorable tax treatment - private pension plans) 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. In other words, it is doubtful that Spain will be able to maintain a sufficient employment-population ratio or increase productivity to compensate for societal aging.

These shifting demographics and a longer life expectancy 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.

Concerned about this problem, the current government has launched a reform (based on a report authored by a consultative committee of experts and implemented through Law 23/2013) which will increase retirement age from 65 to 67 and will render more difficult induced early retirement (an onerous mechanism frequently used in the past). At the same time, the contribution period taken into account to calculate pension amounts will be significantly longer, thus further encouraging Spaniards to complement their public pension plans with private schemes. The most crucial point is the replacement of the pension indexation by a new Pension Revaluation Index (PRI), which uses a formula that implicitly introduces economic growth as a parameter. The PRI may have long-term effects on poverty, but it improves the system's fiscal sustainability and, to some extent, equity. The new system was used for the first time in 2014 for the determination of the 2015 PRI, when contributory pensions are bound to grow by the minimum 0.25% threshold.

Citation:

Independent Authority for Fiscal Responsibility. 2014. Opinion on the determination of the 2015 Pension Revaluation Index. Madrid: AIReF

[www.airef.es/system/assets/archives/000/000/138/original/Opinion\\_on\\_the\\_determination\\_of\\_the\\_2015\\_Pension\\_Revaluation\\_Index.pdf?1417513934](http://www.airef.es/system/assets/archives/000/000/138/original/Opinion_on_the_determination_of_the_2015_Pension_Revaluation_Index.pdf?1417513934)

## Integration

Integration Policy  
Score: 6

Spain is a strikingly successful case for the tolerance of a population toward immigrants. It actually ranks first in the European Union (according to a report published by the British think tank Demos in 2013) as the most tolerant country when people are asked about having immigrants as neighbors. According to the same report, mistreatment of immigrants by Spanish citizens has diminished. And 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 if we consider the very high unemployment rates and the fact that, in only the last decade, some five million immigrants arrived in Spain (up to 12% of the population, although this figure is now falling with many jobless foreign-born residents returning to their countries of origin). Apart from some western Europeans looking for a second home “under the sun,” the bulk of inflows of immigrants during the 2000 – 2010 period came from poorer countries, typically consisting of Romanians, Latin Americans and Africans in search of jobs and better living conditions.

Nevertheless, if Spain has so far lived in harmony with these newcomers, it was not necessarily courtesy of effective integration-related policies. Rather, it was a positive combination of a tolerant culture, the fact that most immigrants are first-generation ones and, in the case of Latin Americans, with language and cultural links (Ecuadorians, Colombians and Bolivians represent 25% of the total foreign-born population but there are also many Argentinians, Dominicans and Peruvians). Furthermore, many of them enjoy dual nationality due to the country’s long history of people-to-people links with its old colonies. As for the Muslim population, primarily Moroccans (who comprise 20% of Spain’s immigrants), most of them are moderate and well-integrated into Spanish society, but some radical groups involved in recruiting and fundraising for al-Qaeda have also been identified.

The public perception of immigration has deteriorated somewhat recently as a consequence of the economic crisis; it is increasingly common to hear the argument that immigrants are no longer a source of revenues, but are instead putting further pressure on the country’s public spending and labor market. To be sure, unemployment is the main obstacle for effective integration and, according to a report published in 2013 by the Spanish Observatory of Racism and Xenophobia (Oberaxe), the peaceful integration of migrants coexists with a somewhat widespread support of the idea of preference for Spaniards when looking for a job or having access to social services (in fact, since 2012, undocumented immigrants have faced very restricted access to health care).

However, even so, the tendency seems quite positive with guaranteed access to the education system or, for many immigrants, the right to participate in local elections and even acquire nationality. Indeed, 60% of immigrants express their intent to remain in Spain.

Citation:

Birdwell, J. et al. 2013. Report “Backsliders: Measuring Democracy in the European Union.” London: Demos.

Cea, M.A. and M.S. Valles. 2013. Report on “Evolución del racismo, la xenofobia y otras formas conexas de intolerancia en España”. Madrid: Ministerio de Empleo y Seguridad Social and Oberaxe. [http://explotacion.mtin.gob.es/oberaxe/inicio\\_descargaFichero?bibliotecaDatoId=4056](http://explotacion.mtin.gob.es/oberaxe/inicio_descargaFichero?bibliotecaDatoId=4056)

### Safe Living

Safe Living  
Conditions  
Score: 8

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 crime rates are on the decline, particularly violent crimes. The rate of homicides per 100,000 inhabitants is one of the lowest in the world, although the figures are somewhat higher for assaults or muggings. Nevertheless, 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 makes the new bill on public safety (Draft Organic Law “de protección de la seguridad ciudadana” not yet approved at the end of 2014) 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, it is also true that the impact of the economic crisis has contributed to an increase in the subjective feeling of insecurity, and public opinion continues to press for additional preventive measures. It must also be mentioned that a clear cease fire agreement with the Basque terrorist group ETA was signed during the review period. The government of Spain and its citizens are now more concerned that they are a principal target of Islamic extremism, though Spanish intelligence and police communities have demonstrated their effectiveness in fighting this risk in recent years. Finally, a renewed security strategy (combining internal and external risks) was approved in 2013 and, since then, it has been implemented introducing organizational changes and new measures in specific realms such as cybersecurity.

### Global Inequalities

Global Social  
Policy

Since the onset of the crisis, the official development aid (ODA) budget has dropped by 70% as part of the efforts to fight the public deficit. According to a

Score: 5

report published by the development NGO Oxfam Intermón, within Europe, Spain has been most consequential in scaling back its international cooperation for development support. Currently, Spain only gives 0.15% of its GDP to official development assistance, far below the levels of 2008 (when Spain reached its peak in international development aid with around €5 billion, or 0.45% of its GDP – the seventh-highest level of aid among the world’s donor countries). The budget passed at the end of 2014 foresees that the overall ODA budget will amount to €1.798 billion, or 0.17% of Spain’s GDP in 2015 (a very minor increase of ODA as a share of GDP).

Today, Spain – even though it is still engaged in international efforts to promote development – performs poorly in comparison with the other members of the Development Cooperation Directorate (DCD) of the OECD. In addition, the new focus of Spanish external action since 2011 under Rajoy’s government, which is more business-oriented, has meant less political attention has been given to development and fewer contributions have been made to global public goods. However, a new multiannual Cooperation Director Plan was approved for the period 2013-2016 to introduce more coherence with other policies (e.g., trade) and foster specialization as well as the division of labor with the European Union and other EU member states’ development strategies.

Citation:

[www.aecid.es/es/](http://www.aecid.es/es/)

Oxfam Intermón. 2014. Spain is different: la realidad de la ayuda 2013. At

[www.oxfamintermon.org/sites/default/files/documentos/files/informe\\_AOD\\_v05\\_doble.pdf](http://www.oxfamintermon.org/sites/default/files/documentos/files/informe_AOD_v05_doble.pdf)

### III. Environmental Policies

#### Environment

Environmental  
Policy  
Score: 5

Spain’s environmental policy still cannot protect completely the sustainability of its exceptionally diverse natural habitats and the quality of its environment, but some positive trends can be observed in recent years as a consequence of the government’s actions. However, it should be noted that the effects of the crisis have also helped the environment by reducing energy consumption, limiting construction work and preventing further littoral or forest destruction.

Concerning climate, a report released by the World Wildlife Fund 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

increase again now that the economy is recovering. Eurostat noted that Spain ranked third among EU member states in reducing CO<sub>2</sub> emissions for 2012 – 2013 (by 12.6%, as compared to the average EU reduction of only 2.5%). Economic incentives for renewable energies were suspended in 2012, which has jeopardized Spain's leadership role in solar and wind energies. As the country is extremely dependent on external energy supplies, the current government strategy aims to encourage energy savings through a pricing policy, although the third working program of the National Plan for Climate Change (approved in December 2013) includes a somewhat more comprehensive approach. Air quality is still a big problem in big capitals, such as Madrid and Barcelona – both currently at risk of being sanctioned by the European Union for violating pollution limits.

Regarding water resources, rainfall data for 2013 and 2014 have prompted the government to postpone the extremely controversial transfers of water between different basin areas or the building of very expensive desalination plants that were included in the different hydrological national plans of previous decades. Nevertheless, Spain was one of the few EU member states to delay completion of its river basin management plans (by the end of 2014, only the complex Canary Islands' management plans were pending to be adopted). During the review period, the European Commission took Spain to the EU Court of Justice for not properly treating waste water from communities with more than 10,000 inhabitants, which poses risks to human health, to inland waters and the marine environment.

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. The European Commission has also criticized Spain for problems in the implementation of the Natura 2000 network (the centerpiece of EU nature and biodiversity policy). On the other hand, the expansion in 2013 and 2014 of the network of national parks continued the trend of improving safeguards for wildlife ecosystems. Finally, and despite public spending cuts, the fight against forest fires has become increasingly professionalized to the extent that Spain is now a global reference country in the prevention of this type of fire thanks to the forestry services in regional autonomous communities and the Ministry of Agriculture and Environment.

Citation:

WWF report on gas emissions:

[http://awsassets.wwf.es/downloads/informe\\_de\\_emisiones\\_de\\_gei\\_en\\_espana\\_1990\\_2012.pdf](http://awsassets.wwf.es/downloads/informe_de_emisiones_de_gei_en_espana_1990_2012.pdf)

European Environment Agency on recycling: [www.eea.europa.eu/publications/managing-municipal-solid-waste](http://www.eea.europa.eu/publications/managing-municipal-solid-waste)

European Commission on environmental infringements

[http://ec.europa.eu/environment/legal/law/press\\_en.htm](http://ec.europa.eu/environment/legal/law/press_en.htm)

### Global Environmental Protection

Global  
Environmental  
Policy  
Score: 4

Since arrival to office of the conservative Prime Minister Rajoy, the older Ministry of Environment, Rural and Marine Affairs was transformed into a new Ministry of Agriculture, Food and Environment, marking a clear change of priorities from the period before 2012. Moreover, the two ministers of that department during the period under review (Miguel Arias Cañete and, after he was appointed EU Commissioner, Isabel Garcia Tejerina) were clearly much more connected to agriculture than to environment issues. In this not particularly promising political context, these responsibilities have been delegated to Secretary of State for Environment Federico Ramos de Armas.

To be sure, the Spanish government is not actively contributing to international efforts to design and advance global environmental protection regimes, although it is still committed to the existing conventions and has participated in the different UN COP meetings (including the 2013 Warsaw and 2014 Lima UN conferences) and the UN 2014 Climate Summit. During the review period, Spain has supported several international projects (such as wind farms in developing countries or emissions-trading projects) aimed at helping the country comply with the Kyoto protocol and allowing Spain to reduce its CO2 emissions in order to meet its obligations. Spain also supports the fight against climate change at the EU level and, perhaps surprisingly considering what has been said above, the aforementioned Miguel Arias was appointed as Commissioner responsible for Climate Action and Energy in November 2014.



# Quality of Democracy

## Electoral Processes

Candidacy  
Procedures  
Score: 9

Registration procedures for candidates and parties are defined by national laws (basically, the Organic Law 5/1985 on the electoral regime and the Organic Law 6/2002 on parties) and ultimately enforced by the judiciary. The legal and administrative regulation for validating party lists and candidacies are fair, flexible and nondiscriminatory. Parties 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 including, since 2002, EU citizens in local and European Parliament elections and, also for local elections, non-EU citizens whose countries reciprocally allow Spaniards to be candidates. 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 to those who have been convicted of a crime. Fair registration is protected by a number of guarantees, which are overseen both by the electoral administration and the courts, including the Constitutional Court through a fast-track procedure. Legislation on gender parity (Organic Law 3/2007) requires party election lists to have a balanced gender representation, with each sex accounting for at least 40% of the total number of candidates.

The only restriction that deserves to be mentioned is connected to the banning of those parties which are “irrefutably” associated with conduct “incompatible with democracy, prejudicial to constitutional values, democracy and human rights”. This provision, introduced in 2002 and linked to the fight against separatist terrorism in the Basque Country, led during the early 2000s to the dissolution of the Basque extreme nationalist political organization Batasuna, and the subsequent suspension of other minor parties directly or indirectly connected with (now dissolved) ETA terrorism. The possibility of declaring a party illegal as a consequence of its members “repeated and serious” public defense or tacit support of terrorism in speeches and statements has raised criticism but rulings of the Supreme and Constitutional Courts (later endorsed by the European Court of Human Rights) have accepted this as not political discrimination. In fact, the party Sortu and the coalition Bildu (two radical forces generally considered as the successors to Batasuna) were declared legal, they now have now important political responsibilities at different levels of government.

## Citation:

Bourne, Angela. 2012. "Nationalism, terrorism and extremism in the party politics: The illegalization and legalization of Sinn Féin and Batasuna." Paper presented at Political Studies Association Territorial Politics Group, 13 – 14 September 2012, Brussels.

## Media Access

Score: 7

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. This access is not exactly equal, but can be considered plural and proportional as it is based on past electoral performance. 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 devoted to each party is also proportionally allocated according to the previous electoral results. Therefore the two major parties – the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) and Popular Party (Partido Popular, PP) – and, to a lesser extent, the governing nationalist parties in Catalonia and Basque Country, Convergence and Union (Convergència i Unió, CiU) and the Basque Nationalist Party (Partido Nacionalista Vasco, PNV), enjoy a clear advantage, since they are the candidatures that regularly draw more votes. With this system, new candidates or parties find it difficult to win media access. This regulation seems particularly shocking on the eve of general elections to be held in 2015, since the new anti-austerity and leftist populist party Podemos (We can) is leading in the opinion polls but, because it was established only in January 2014, it will not be entitled to free advertising or news coverage in public media. Nonetheless, Podemos is a political force with considerable television airtime, a situation which may to some extent serve as a counterbalance to that rigid legislation.

Whether absurd and unfair or not, the allocation of these advertising slots and minutes of news coverage is guaranteed by the Central Electoral Board (Junta Electoral Central). In fact, many journalists working in the public media are very critical of this rigid system, which subordinates the journalistic interest in information to the proportional time fixed by law. Throughout the rest of the year (i.e., beyond the campaign season), parties do not have public broadcast time slots and it is then very common for opposition parties to criticize public media for supposedly being biased in favor of the government.

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. Giant private newspapers, radio and television stations tend also to lean ideologically toward PP, PSOE or CiU in Catalonia (empirical work shows a significant connection between media and parties with the same political orientation). Access to the private media is worse for national parties that are not quite as large, such as United Left (Izquierda Unida, IU) or two centrist parties UPyD and Ciudadanos. For parties not represented in parliament and which therefore have no legal guarantee to broadcast time, the situation is much more difficult. They must rely on the Internet and small direct digital TV channels. However, the new leftist party Podemos has benefitted from two private TV stations (Cuatro and La Sexta), which have made an invaluable contribution to spreading the message and popularity of its leader, Pablo Iglesias.

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

Citation:

Esteban Romero-Frías and Liwen Vaughan, 2012. "Exploring the relationships between media and political parties through web hyperlink analysis: The case of Spain" in *Journal of the American Society for Information Science and Technology*, Vol. 63 – 5.

<http://politikon.es/2014/11/17/podemos-la-sexta-y-la-influencia-de-los-medios-en-el-voto/>

Voting and  
Registrations  
Rights  
Score: 10

The Spanish electoral system meets the highest requirements and every 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 just incapacity to attend the polling station on the day of election. The average turnout since 1977 is comparatively high (73.5%) and the last national election held in 2011 saw a 71.7% turnout compared with 73.9% in 2008.

The only two problems which deserve to be mentioned are related to immigration and emigration. The 5 million foreigners who live in Spain are not entitled to vote in national elections and it is not easy to become naturalized even for long-standing foreign residents, but this restriction is common to all advanced democracies (note that 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 may face onerous red tape discouraging participation and even 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 with the declared aim of preventing fraud has limited their right to vote. As a result, turnout among Spanish emigrants has been extremely low (under 10%) in recent elections and parties are now discussing a redress the 2011 reform. Some emigrants' associations claim these restrictions have been politically motivated by a government that fears a surge in protest votes among young emigrants who have left the country in search of a job.

Citation:

[www.eldiario.es/clm/palabras-clave/voto-rogadorobado\\_6\\_267783249.html](http://www.eldiario.es/clm/palabras-clave/voto-rogadorobado_6_267783249.html)

Party Financing  
Score: 4

Party financing rules are based on Law 8/2007 (reformulated in October 2012 and now in the process of being replaced by more strict legislation to be passed in 2015), which states that political parties are private associations with a mixed revenue system. They collect funds from the public budget in proportion to their parliamentary representation, but also private money from individuals (including the membership fees which are not very significant) and from corporations. Legislation includes 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 make them). However, the current legislation has been ineffectual in enforcing these limits, particularly regarding opaque donations received by think tanks and charities associated with parties or the backdoor funding when banks cancel the parties' debts or loans. Furthermore, several scandals of directly illegal financing (such as the Barceñas, Gürtel, Palau, Palma Arena, or Pallerols cases) have also erupted in recent years.

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. A 2014 report with the latest available data (2012) pointed to serious irregularities in almost all parties, although right-wing parties have received much more private financing than leftist ones. The current PP government, forced by a deep social mistrust in the context of the crisis and a corruption scandal that involves a former treasurer of the party, decided to increase transparency and responsibilities with an anti-

corruption plan (Plan de Regeneración Democrática) and a draft law to improve party monitoring that is currently under consideration in parliament. Instead of introducing more rules, a more effective means of monitoring proper financing would involve guaranteeing that genuinely dissuasive sanctions are imposed in cases of corruption.

Citation:

[http://www.eldiario.es/politica/practicas-seguiran-financiacion-partidos-PP\\_0\\_253025377.html](http://www.eldiario.es/politica/practicas-seguiran-financiacion-partidos-PP_0_253025377.html)

Popular Decision-  
Making  
Score: 3

Apart from representative elections every four years, two other fundamental ways exist to allow Spanish citizens to express directly their political opinions on key issues. The first way refers to the “*iniciativa legislativa popular*” (or popular legislative initiative) although the right to promote the submission of non-governmental bills is limited as a result of the very high minimum number of authenticated signatories that are required and other political or legal obstacles like the fact that initiatives are not allowed on matters concerning fundamental rights, institutional structure of the state, taxation, international affairs or the prerogative of pardon. Historically, even if the 500,000 signature threshold has been reached, those initiatives have been dismissed by the Board of the Congress of Deputies. However, two recent exceptions can be mentioned that have arisen during the current four-year parliamentary term that began 2011: an initiative on the cultural preservation of bull-fighting, which was endorsed by 600,000 citizens (finally passed as law with some amendments in November 2013) and another initiative to reform the regulation of mortgages and introducing the “*datio in solutum*,” which was supported by almost 1.5 million signatures (also passed in 2013 but strongly amended). At the end of 2014, eight proposals were awaiting to be approved.

The second means of popular decision-making refers to the option of submitting political decisions of special importance to all citizens in a referendum. Spaniards have only been asked to vote in three national referenda since democratization: to ratify the Spanish Constitution in 1978, to decide on Spanish NATO membership in 1986 and to ratify the failed EU Constitutional Treaty in 2005. In addition to this, some referenda to approve or reform the Statutes of Autonomy have taken place in those regions with more devolved powers. At the local level, consultative (i.e., non-binding) referendums are held more often but they are not very common and prior authorization must be obtained from the central and regional governments.

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. According to the constitution, a referendum like this could be called only on the president of the government’s proposal after previous

authorization by the Congress of Deputies. On 8 April 2014, the Spanish Congress rejected the Catalan parliament's request to organize the referendum (299 votes to 47), but the Catalan President Artur Mas nevertheless signed a decree calling for a consultation on independence. The Spanish Constitutional Court suspended the vote that was finally transformed into an alternative unofficial "process of citizen participation" held in November with an approximate turnout of one-third of Catalans.

Citation:

Colino, C. and E. del Pino (2011). Spain: The Consolidation of Strong Regional Governments and the Limits of Local Decentralization. In *The Oxford Handbook of Local and Regional Democracy in Europe*, eds. F. Hendriks, A. Lidström and J. Loughlin. Oxford: OUP.

Fernandez de Gatta, D. (2014) La Ley de 12 de noviembre de 2013 para la regulación de la tauromaquia como patrimonio cultural. *Diario La Ley*, n° 8239: [www.taurologia.com/imagenes%5Cfotosdeldia%5C4165\\_ensayo\\_la\\_ley\\_de\\_12\\_de\\_noviembre\\_de\\_2013\\_para\\_la\\_regulacion\\_de\\_la\\_tauromaquia\\_como\\_patrimonio\\_cultural\\_una\\_esperanza\\_para\\_el\\_futuro.pdf](http://www.taurologia.com/imagenes%5Cfotosdeldia%5C4165_ensayo_la_ley_de_12_de_noviembre_de_2013_para_la_regulacion_de_la_tauromaquia_como_patrimonio_cultural_una_esperanza_para_el_futuro.pdf)

### Access to Information

Media Freedom  
Score: 6

The current Popular Party (Partido Popular, PP) government reversed a preceding legal reform (introduced in 2006 by the socialist party predecessor), which had transformed the traditionally government-manipulated Radiotelevisión Española (RTVE) into an autonomous corporation that tended to guarantee neutrality. The new regulation, passed by decree in 2012, jeopardizes the political independence of the national broadcasting group. A relative majority in the General Courts is now enough to elect the president of RTVE, thus allowing the government of the day to decide unilaterally who will manage public television and radio (an appointment agreed between the governing party and the main opposition party was required before). In fact, following the decree, the president and the news director have been replaced twice (2012 and 2014) with journalists increasingly closer to the ideological line of the PP. In October 2014, 1,500 members of the RTVE's staff signed a manifesto denouncing some cases of politicized dismissals, the manipulation of news and censorship of informative services.

However, it would be unfair to consider the national television station as a simple government tool as it used to be before 2006. RTVE still respects pluralism and produces some high-quality information programs but this independence is no longer institutionally protected and, thus, the organization's credibility and audience ratings have suffered. The Radio Nacional de España (RNE) or public national radio station has been recently criticized for losing impartiality and credibility as well.

In the case of regional public broadcast groups, the situation is probably worse

with the incumbent governments openly promoting their partisan political objectives. This has long been the case in Andalusia and in Madrid, but is now observable in other regions such as Catalonia, which used to feature a more pluralistic public broadcasting corporation. However, since 2012, it has openly supported the pro-secession views of the nationalist regional government.

With regard to private broadcasting operations, the media groups are of course formally independent from the government but both the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) and the PP have tried to support those newspapers, radio and television stations ideologically closest to them (particularly concerning the regulation of the audiovisual sector).

Media Pluralism  
Score: 8

Media pluralism in Spain has suffered as a result of the economic crisis and a related series of austerity measures including a smaller advertising market, the closing of a number of outlets, staffing cutbacks and reduced salaries. A report published by Freedom House in 2013 showed a slight decline (from 24 to 27 points) in the Spanish media panorama as a result of the crisis. However, the country is still considered to be “Free” with regard to the press and continues to feature a relatively high degree of diversity in the market with open competition among different groups for the audience and advertising revenues.

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 (stronger motivation to acquire knowledge but fewer resources) run somewhat parallel to each other. Even if print media show reduced sales, the growing access of the Spanish population to the Internet (36 million users by 2014 representing 75% of penetration) and the widespread use of social networks have encouraged the proliferation of electronic newspapers or independent blogs, which counterbalance oligopolistic trends and guarantee that certain opinions can be expressed in public debate.

In the period 2013 – 2014, the economic crisis confirmed the trend of relative concentration in the ownership of TV stations, and to a lesser extent, print newspapers. As for television, the Italian company Mediaset is the leading group in the country (the most-viewed TV channel, Telecinco, together with Cuatro and other minor channels). It is followed by Grupo Planeta (including interestingly 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 and other small private stations (some of them very conservative ones). The radio market is dominated by the center-left SER station followed from a big distance by the center-right Onda Cero, the Cadena Cope (that belongs to the Catholic Church) and the publicly owned Radio Nacional de España (RNE).

Regarding print or electronic journalism, the main newspaper is the very influential center–left El País. Other nationwide newspapers are 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 La Vanguardia and the more progressive El Periódico are leaders. After the openly leftist newspaper Público stopped printing and switched to an online-only format in 2012, there is no newspaper in print for more left-leaning ideas. However, digital progressive newspapers such as publico.es itself, huffingtonpost.es and eldiario.es have enjoyed considerable growth. Of course, there are also important liberal and conservative digital media such as elconfidencial.com or libertaddigital.com. Nevertheless, the electronic media market is quite similar to the print sector, since the two most-read political information websites are those belonging to El País, El Mundo, ABC and La Vanguardia.

In short, a moderate level of diversification in media ownership prevails at national level. To be sure, there are several giant media companies, each with an ideological bias, but the media market as a whole allows for a certain level of pluralism.

Citation:

Anduiza, E. and D. Marinova. 2014. When Bad News is Good: Political Knowledge in Times of Crisis. Working paper

Duran, J. and Z. Csaky. 2013. “The European Economic Crisis has Coincided with a Decline in Press Freedom in the EU”. London: LSE’s European Politics and Policy Blog.

[www.freedomhouse.org](http://www.freedomhouse.org)

Access to  
Government  
Information  
Score: 6

The Spanish legislature passed in December 2013 the first specific law ever to allow free and easy access to government information (Law 19/2013 on “transparencia, acceso a la información pública y buen gobierno”). This regulation has significantly improved access to government information by permitting broader transparency of public issues. It must be taken into account that, before this step, Spain was one of the very few cases in Europe with no right of transparency guaranteed (it was only partially regulated and, as a result of bureaucratic red tape and the rigid interpretation of exceptions and restrictions, access to government information was extremely difficult).

At the end of 2014, the government launched a transparency website that made more than 500,000 items of public interest freely accessible to all citizens (contracts, subsidies, agreements, salaries, etc.). This site centralized previously unavailable information. Some data are only available upon request and petitions must be filed directly on the website. A team of up to 36 civil servants



transfers requests to the department in possession of the relevant information and, according to the procedure, a reply has to be issued 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 security issues that justify withholding the information.

According to the Madrid-based NGO Access Info Europe, the new legislation establishes some limits on freedom of information compared with that of neighboring countries (Spain still scores low but has shifted during 2014 from 75th to 64th position in a ranking of 100 countries made by this NGO). The four main criticisms to the law consist in the fact that some institutions (including the parliament or the royalty) are not made completely transparent, there is no recognition of access to information as a fundamental right (i.e., delicate information is excluded), the oversight body is not fully independent, and the aforementioned transparency website has shortcomings. During the period under consideration, there has not been time enough to assess the effectiveness of the enforcement and appeal mechanisms (either to the administration itself, to the Transparency Council, to the Ombudsman or to the courts).

Citation:

RTI Rating Data Analysis Series (2014): Overview of Results and Trends, Center for Law and Democracy (Canada) and Access Info Europe (Spain): [www.rti-rating.org/country\\_data.php](http://www.rti-rating.org/country_data.php)

[http://elpais.com/elpais/2014/12/10/inenglish/1418205749\\_872964.html](http://elpais.com/elpais/2014/12/10/inenglish/1418205749_872964.html)

### Civil Rights and Political Liberties

Civil Rights  
Score: 7

Even if no substantial changes were evident in the area of civil rights from mid-2013 to late 2014, the period was characterized in Spain by the controversial drafting of a bill on public safety (Draft Organic Law “de protección de la seguridad ciudadana”) and a change in the criminal code, neither of which had been approved at the end of 2014. The legislature also passed a new regulation of private security (Law 5/2014) with no specific provisions on guarantees to respect civil rights.

Regarding the so-called anti-protest public safety law, some aspects of its first drafting in November 2013 were quite strict. That version was received with strong protests from the opposition and activists who organized street demonstrations against a document they felt was designed to stop the rising tide of protests linked to the government’s unpopular austerity adjustments. On July 2014, a new version of the bill was passed by the Council of Ministers and sent to the Congress, where it remained under discussion through the end of the year. The final document was far tamer than the original draft with a less rigid regulation of fines for taking part in public unauthorized demonstrations (see

also “Political Liberties”). Police will also no longer be to enter a private residence if the owner or tenant gives them permission, as was the case with the first draft. Instead, police must produce a search warrant issued by a judge.

The new law also introduces guarantees and, for example, it makes some timid progress on racial profiling by police when it comes to carrying out street searches i.e., the law prohibits discrimination but does not implement specific measures to prevent profiling as recommended by international human rights bodies such as the UN Special Rapporteur on racism). With the new regulation, police searches must be carried out by a member of the same sex and can only be conducted to prevent or investigate a crime. In addition, police will only be able to ask people to provide identification in order to prevent crimes, not civil infractions. People who fail to supply ID can be taken to a police station only in order to prevent a crime or if that person has already committed a misdemeanor.

Apart from these legal novelties, it can be generally said state institutions respect and protect civil rights, and rights guaranteed by the constitution and ordinary legislation are enforced, although some infringements may occur in practice (for example, concerning illegal immigrants). In addition, the systematic delays and the lack of adequate resources (both human and technological) in the Spanish courts are a factor undermining the effective protection of fundamental rights. A revision of the free attorney assistance system, announced for 2015, will make more difficult to be entitled to this benefit, thus restricting the access to civil rights protection.

Citation:

[www.theguardian.com/world/2013/nov/21/spain-government-strict-anti-protest-laws](http://www.theguardian.com/world/2013/nov/21/spain-government-strict-anti-protest-laws)

Report on Spain (2013) by Mutuma Ruteere, UN Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance.

[www.acnur.es/PDF/informe\\_mision\\_relatorespecial\\_racismo\\_2013\\_20130806150757.pdf](http://www.acnur.es/PDF/informe_mision_relatorespecial_racismo_2013_20130806150757.pdf)

Political Liberties  
Score: 8

In general, Spanish institutions effectively protect political liberties and infringements can be detected (for example, the press freedom of radical ideologies) only occasionally. The 1978 Spanish Constitution frames 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) receive special protection against infringements. The political liberties especially protected against government (or even private) interference or violation include: (1) the freedoms of ideology, religion and worship on the part of individuals and communities, along with the guarantee that no one may be compelled to make statements regarding his or her ideology, religion or beliefs (Article 16); (2) the right to freely express and spread thoughts, ideas and opinions through words, in writing or by any other means of reproduction, without any form of prior censorship (Article 20); (3) the right to peaceful

unarmed assembly, with no need to notify local authorities in advance unless demonstrations are being held in public places, and no need of prior authorization (Article 21); the right of association (Article 22) with some restrictions for the members of the armed forces or the police; the right to freely join a trade union (Article 28); and the right to individual and collective petition (Article 29).

These liberties are for the most part respected by the administration, monitored by the media or public organs such as the ombudsperson, and guaranteed by the ordinary courts or, ultimately, the Constitutional Court. However, the period under consideration was characterized by the controversial drafting of a bill on public safety (Draft Organic Law “de protección de la seguridad ciudadana” not yet approved at the end of 2014). The first draft of this new piece of legislation, dated in 2013, introduced several measures potentially affecting political liberties such as hard sanctions to those who insult or publish images of police officers and fines of up to €600,000 for interrupting public events or protesting in unauthorized demonstrations outside the parliament (see also “Civil Rights”). On June 2014, the UN Special Rapporteur on the right to freedom of assembly, published a report refuting the arguments brought by the government that the draft law on public safety (and the connected changes in the Criminal Code) reinforced the rights to freedom of expression and peaceful assembly. The final bill sent to the legislature was less strict and, for example, the actual fines applied will depend on how much people are able to pay. The government says the law is not meant to gag citizens but to protect their liberties and security.

Citation:

[http://elpais.com/elpais/2014/05/28/inenglish/1401272039\\_980140.html](http://elpais.com/elpais/2014/05/28/inenglish/1401272039_980140.html)

Report (2013) by Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and association

[www.rightsinternationalspain.org/uploads/publicacion/7f6fd669354e3bd6c12f2443f4514dabdcfe73.pdf](http://www.rightsinternationalspain.org/uploads/publicacion/7f6fd669354e3bd6c12f2443f4514dabdcfe73.pdf)

Non-  
discrimination  
Score: 7

Since the enactment of the Spanish Constitution in 1978, all discrimination on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance are forbidden. Spain is also party to all important international and European treaties relevant to counteracting marginalization. And, finally, all individuals, whether national citizens or foreign ones, can invoke a special fast procedure in the courts asking the state to protect them against any form of discrimination. As a result of all this, 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 regarding

women, the elderly, persons with disabilities, or ethnic and linguistic minorities. For example, there are still relevant wage differences between men and women and few women on the boards of companies. Coexistence between communities speaking different languages is as a rule peaceful and does not lead to overt discrimination or conflicts of rights despite the complaints made by a very few Spanish-speaking families regarding the exclusive use of the Catalan language in the regional education system. For their part, some Catalan- or Basque-speaking citizens criticize the primacy of Castilian Spanish in the central administration.

Prejudices against the Roma and some non-Western immigrants may occur. Nonetheless, a survey conducted by the Pew Research Center in 2014 demonstrated that Spaniards, compared to the rest of Europeans, express less fears regarding Roma and tend to express less negative views about immigration. It is true that anti-Muslim views are high (46% of Spaniards have an unfavorable opinion, 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. For example, the Supreme Court declared as in 2013 as illegal the decision taken by some municipalities of not allowing the access to public buildings of women wearing the burqa veil. In the same vein, and according to an interim report published by ECRI (a committee of the Council of Europe) in 2013, Spain has made adequate progress implementing recommendations made in 2011 to fight racism and intolerance.

Since the arrival to office of Mariano Rajoy, the Spanish government has been less active in fighting discrimination against women or homosexuals as compared with the previous Prime Minister José Luis R. Zapatero. However, policies on pay equity, equality in political representation, gender violence and the same-sex marriage law (whose constitutionality was discussed by the Popular Party or Partido Popular, PP) have been maintained by the current conservative government. Spain has not yet adopted a comprehensive legislation on discrimination and fails to comply with the requirements laid down in EU Directive 2000/43/EC (Racial Equality Directive) and EU Directive 2000/78/EC (Employment Equality Directive). A draft law was prepared in 2011 but never passed, which leaves the country without the legal authority to ensure equal treatment and non-discrimination (which was a provision of that failed new regulation).

Citation:

European Commission against Racism and Intolerance (ECRI) Conclusions on the implementation of the recommendations in respect of Spain. 2013. (Council of Europe)

[www.accem.es/ficheros/documentos/pdf\\_noticias/2014\\_pdf/Igualdad%20y%20No%20Discriminación/ESP-IFU-IV-2014-005-ENG.pdf](http://www.accem.es/ficheros/documentos/pdf_noticias/2014_pdf/Igualdad%20y%20No%20Discriminación/ESP-IFU-IV-2014-005-ENG.pdf)

[www.pewresearch.org/fact-tank/2014/05/14/in-europe-sentiment-against-immigrants-minorities-runs-high/](http://www.pewresearch.org/fact-tank/2014/05/14/in-europe-sentiment-against-immigrants-minorities-runs-high/)

### Rule of Law

Legal Certainty  
Score: 8

The Spanish executive rarely makes unpredictable decisions, and normally acts on the basis of and in accordance with legal provisions. Spanish administrative law and practice is grounded in the principle of legal certainty and, to a lesser extent, the principle of transparency (although this particular dimension has improved during 2014, as discussed under “Access to Government Information”). Strict legal interpretations may in fact produce some inefficiency in certain aspects of the administration, such as 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; the reliance on procedure regardless of output effectiveness and other such effects. In addition, the legalistic approach is also a source of abuse 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. Nevertheless, basic administrative law is consistent and uniform, assuring regularity in the functioning of all administrative levels.

Apart from the aforementioned improvement on transparency, two other positive developments regarding legal certainty can be mentioned for the period under review. First, the introduction of a scheme by the central government (the so-called Fund for Financing Payments to Suppliers, FFPP) to deal with the increasing arrears on the invoices that subnational administrations owe to public procurement suppliers since the beginning of the crisis (these arrears have caused great liquidity problems for small and medium-sized companies). Secondly, the drafting of a new bill on the reform of the general administrative procedure, which was still under discussion at the end of 2014. This new law may spell for a modernization of administrative law that is commensurate with this trend elsewhere in Europe.

Citation:

Wolfgang Rusch. 2009. Administrative procedures in EU member states. SIGMA (OECD/EU) at [www.sigmaweb.org/publications/42754772.pdf](http://www.sigmaweb.org/publications/42754772.pdf)

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, regulated by the constitution and Law 29/1998 on the administrative-contentious jurisdiction (as last amended by Law 20/2013), 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 (the administrative chamber of the

National High Court for special cases, and the administrative chamber of the Supreme Court, which is the last level of appeal). In addition, the Constitutional Court may review governmental legislation (i.e., decree-laws or “decretos-ley”) and is the last resort in appeals to ensure that the government and administration respect citizens’ rights. During the period under review, different criminal cases related to several scandals have demonstrated that courts can indeed act as effective monitors of activities undertaken by public authorities (see “Corruption Prevention”).

The main factor that damages effective judicial review in Spain is not connected to independence but to a lack of adequate resources in the courts and, thus, to systematic delays. In addition to this, court fees were introduced in 2012 as part of the austerity plans. This prevents some citizens from initiating the judicial review of administrative acts, thus damaging the effectiveness of the enforcement and appeal mechanisms (although the new minister of justice, appointed in 2014, announced the decision to revisit those fees). Another problem has actually to do with the difficult combination of effective independence and ideological bias; that is to say, because of the confrontational style of Spanish policymaking and the fact that judges may be independent but are not politically neutral, the judiciary’s mandate to serve as a legal check on government actions can, in some cases, be deemed politically obstructive.

Appointment of  
Justices  
Score: 7

The renewal of the Spanish Constitutional Court (Tribunal Constitucional, TC), the organ of last resort regarding the protection of fundamental rights and the conflicts on institutional design, is a highly politicized process. To a lesser extent, the judicial appointments for the Supreme Court – the highest court in Spain for all legal issues except for constitutional matters – are also decisions that can lead to political maneuvering.

The process for appointing TC justices is regulated by the Spanish Constitution and by specific legislation in that court (Organic Law 2/1979, amended eight times – Organic Law 8/2010 was the last amendment). The TC consists of 12 members. Of these, four members are appointed by the Congress of Deputies, requiring a supermajority of three fifths of its members, and four members 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.

The appointment process for Supreme Court justices is regulated in the legislation on the judiciary (Organic Law 6/1985, amended several times – Organic Law 6/2014 was the last important amendment). The Supreme Court

consists of five different specialized chambers, and all its members (around 90 in total) are appointed, requiring a majority of three fifths, by the aforementioned CGPJ – the governing authority of the judiciary, whose 20 members (judges, lawyers and other experienced jurists) are appointed by the Congress of Deputies and the Senate also by a three fifths supermajority vote, and have a tenure period of five years. Although the current PP government announced a legal reform to reinforce the power of the members of the judiciary in the selection of the CGPJ, the idea was abandoned in 2013 through the decision to retain the current regulation that allows both legislative chambers to decide.

With the current regulation, these two processes for appointing justices in Spain formally include special majority requirements. However, the fact that the various three fifths majorities needed to select TC or CGPJ members can be reached only through extra-parliamentary agreements between the two major parties (the Spanish Socialist Workers Party or Partido Socialista Obrero Español, PSOE and the Popular Party or Partido Popular, PP) has not led to cooperative negotiations to identify the best candidates regarding judicial talent. On the contrary, there is a strong politicization both among the members of the TC and the CGPJ. All TC justices and most members of the Supreme Court are quickly labeled as “conservative” or “progressive” justices by the media and politicians depending on the party that pushed for their appointment. Even worse, changes in government normally produce a subsequent ideological shift in the TC or the CGPJ from progressive leftists to the right or vice versa. Thus, during the period under review (with the PP’s absolute majorities in Congress and Senate) the appointments of new members for both institutions have tended to favor the conservative justices that now enjoy (by a narrow margin) the control of the TC and indirect influence for deciding future Supreme Court justices from a somewhat more conservative-inclined CGPJ.

Even if there is some formal guarantee of independence, neutrality is not expected and justices tend not to be considered to be divorced from the ideology of the parties that suggested their appointment. As a matter of fact, and even if membership of the Constitutional Court is incompatible with any other office, some of its current justices have held previous important political positions. The complete independence of the Supreme Court is not guaranteed either (and, much less, its neutrality, considering the conservative social origins of most judges in Spain) but the truth is that professional considerations play a very important role, with nominees always having extensive prior judicial experience.

Spanish law broadly regulates the obligations and responsibilities of politicians and other civil servants. It encompasses state spending audits, legislation regarding conflicts of interest, the declaration of assets and the criminal prosecution of corruption. The Spanish legal framework is generally successful

in curbing corruption and everyday interactions between citizens and civil servants function on the basis of integrity. Other anti-corruption mechanisms such as party financing rules, public procurement guarantees and access to information systems are nonetheless less effective, a fact demonstrated by the numerous corruption scandals brought to light in the recent years.

Corruption levels have plausibly declined since the country's real estate bubble burst in the wake of the 2008 financial crisis and the 2010 sovereign debt crisis. Massive spending cuts since then 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. This can be attributed to the fact that past cases currently under inquiry are now receiving considerable media attention and a decreased tolerance among Spaniards for the abuse of public office. The disincentives for officeholders to exploit their office have arguably increased as public servants now face more stringent legal consequences and/or adverse publicity.

Most scandals under investigation refer to events and activities prior to 2013 and very few of them involve career civil servants abusing their positions. Corruption cases have usually involved private companies' illegal donations to specific parties in exchange for favors from the administration or personal enrichment. There have also been several fraudulent subsidies received by individuals close to the governing political parties. These include scandals such as the Bárcenas case, the Gürtel plot (which implicated the Popular Party or Partido Popular, PP), the ERE case (involving the Spanish Socialist Workers Party or Partido Socialista Obrero Español, PSOE), the Pujol case (the massive enrichment of a former Catalan regional president) and several other cases at both regional and local levels. A very shocking corruption case not directly linked to political parties involves the king's sister and brother-in-law (who are now on trial after earning millions by running charities until 2009 whose main business included cashing in on his status as Spanish royals).

Nevertheless, in parallel to these investigations promoted by a group of dedicated judges in Madrid, Seville, Barcelona, Valencia or Palma (just to mention the most important examples), the central government drafted during 2013 and 2014 two legal initiatives to improve the regulation of party funding and officeholders' responsibilities. The recently passed transparency law, in addition to an announced reform of the criminal code and public procurement law complete the government's anti-corruption plan that may provide more effective disincentive mechanisms.



# Governance

## I. Executive Capacity

### Strategic Capacity

Strategic  
Planning  
Score: 7

The deep economic crisis might have had at least one salutary effect by bringing about much more awareness in Spain of the importance of “smarter” policymaking and public spending. It is now clear that the previous growth period (1995 – 2007) lacked solid foundations and was based instead on a twofold economic bubble: finance and real estate. Once these bubbles popped, the government and the public in general realized that future prosperity should be attained in a much more sustainable way and this means decision-makers must make a proper diagnosis of risks and weaknesses, identify priorities, improve policymaking mechanisms and take into account the scarce resources available. Thus, since 2010, the idea of reinforcing strategic thinking and multiannual planning has gained momentum in several key areas such as fiscal policy, employment, security or external action. Other sectoral strategies have also been published or announced regarding pensions system, human rights, or international development cooperation.

Despite austerity measures that logically tended to reduce the dimensions of the administrative structure, the central strategic planning units have been strengthened. Hence the Prime Minister’s Economic Office – which, among other functions, has been responsible for the National Reform Program under the Europe 2020 Strategy – is clearly more powerful since January 2012. A new department of national security has been created within the Prime Minister’s Office (PMO) with the task of developing the Spanish National Security Strategy. The renewed attention paid to structural reforms and security policy could be the basis for developing the incipient Spanish strategic-planning capacity and for strengthening coordinating bodies connected to the strategic-planning units close to the prime minister. Some of these bodies are already hold a fair degree of authority (the National Security Council or the Council of Ministers Committee on Economic Affairs). Others, such as the Foreign Policy

Scholarly Advice  
Score: 6

Council, ought to be more effective and powerful (following the suggestion made by the Spanish Strategy on External Action approved at the end of 2014). In addition to the central policy-planning units, strategic advisors exist in some sectoral ministries (Economy, Defense, Foreign Affairs), but this activity is normally understaffed, and the advisors' access to the political decision makers is limited.

It would be inaccurate to state that scholars and other independent experts have a dominant influence on Spanish policymaking. No practice of formal and systematic connections between external thinking and the government as a whole exists. Policymakers do not rely on specialists for advice on matters of political strategy, although university scholars or other researchers are often summoned by ministries for technical consultation 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. Notwithstanding this, the role of academics in the Spanish policy process may be considered somewhat more significant if we take into account that they are a standard source of recruitment for senior positions. Many members of the government come from the academic world (a pattern which is more obvious when the socialist party is in office, since the conservatives tend rather to select almost all ministers and top officials from among businessmen and career civil servants close to the party).

The deep political and economic crisis may have increased the tendency of the Spanish government to ask formally or informally for external advice to help in the institutional redesign or the welfare system structural adjustment in a context of high public deficit (for example, two panels of experts were created to advise the Popular Party government for the pension- and university-system reforms). Some recent trends, such as the emergence of several think tanks, may reinforce the influence of external experts. As an illustration of this, the Elcano Royal Institute (the leading Spanish think tank on international affairs) was commissioned in 2014 by the Foreign Ministry to produce a foreign-policy report, laying the groundwork for the official strategy on external action that was approved later.

Citation:  
[http://elpais.com/elpais/2014/02/25/inenglish/1393346199\\_347622.html](http://elpais.com/elpais/2014/02/25/inenglish/1393346199_347622.html)

### Interministerial Coordination

GO Expertise  
Score: 8

Spain's Government Office (Ministry of the Presidency, Ministerio de la Presidencia), the prime minister's Private Office and his Economic Office are the administrative departments associated with the Spanish leadership that are tasked with evaluating line ministry proposals from a political and technical point of view. These bodies are from a functional and even physical point of

view nearly one, and form the very powerful political core of the executive (often called the Moncloa, after the name of the main palace hosting the prime minister on the outskirts of Madrid). 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 organization of the Prime Minister's Office (PMO) (both the private and the economic offices) vaguely reflects 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 in the PMO are not truly independent, since most of them are insiders. Nevertheless, and 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.

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 to some extent also evaluates the substantive content of draft bills. A legal reform of the new general administrative procedure, which was under discussion at the end of 2014, is expected to reinforce this task, since the GO will check if any ministry sending a legal proposal to the cabinet meeting has respected previous planning and has included a regulatory impact assessment (see "Sustainability Check").

GO Gatekeeping  
Score: 9

Materials earmarked for cabinet meetings 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, Álvaro Nadal, can de facto return items but only by taking advantage of their proximity to the prime minister. This is typically done through informal instructions to the sectoral department responsible for the item. 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. Items subject to GO and PMO evaluation and potential return for reconsideration include draft bills and internal appointments of top officials. The Ministry of Finance and Public Administration also participates in this gatekeeping function, but only on budgetary and organizational grounds.

A legal reform that was under discussion at the end of 2014 would give the GO the task of preparing the so-called Annual Normative Plan every April. This would reinforce the office's role as a central gatekeeper able to return items to the sectoral ministries on formal grounds, and to some extent on the basis of policy considerations as well (thus, apart to technical checks, article 162 of the draft bill on the general administrative procedure refers to the systematic evaluation that will task the GO with ensuring the substantive congruence of all policy proposals being prepared).

Citation:

<http://www.minhap.gob.es/Documentacion/Publico/NormativaDoctrina/Proyectos/MVB14A01%20%20Texto%20Ley%20de%20Procedimiento%20Consejo%20de%20Ministros%2009%2001%2015.pdf>

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 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. The 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, 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 helps to prepare 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. Consultation between the PMO and the rest of the government could be compromised if line ministers fear that the prime minister and his advisers might use it as an unwelcome filter of ministry proposals.

Equally, line departments could seek to influence the prime minister's advisers in order to secure backing at a higher level.

Nevertheless, all legal proposals are sufficiently vetted by the Government Office before they are drafted as laws through: (1) the setting of the cabinet meeting agenda and (2) the centralization of all legislative relations with the General Courts. A legal reform of the general administrative procedure that was under discussion at the end of 2014 included various provisions that would reinforce the coordination between the GO and line ministries (see "GO Gatekeeping"). Under the terms of this change, 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.

Cabinet  
Committees  
Score: 9

Spain's only Council of Ministers committee composed exclusively of cabinet members is the Foreign Policy Council (Consejo de Política Exterior) which meets only from time to time, although there are plans to revitalize it according to a new law on external action and the foreign service passed in 2014. Ministerial committees (composed of several ministers and individual non-cabinet members such as secretaries of state) are regulated by the Royal Decree 1886/2011 (as modified by RD 385/2013) which names six ministerial committees that receive the official name of Delegate Committees of the Government: Economic Affairs, National Security, Intelligence Affairs, Science and Technology Policy, Equality Policy, and Cultural Affairs. With the exception of the Delegate Committee on Economic Affairs, no other committee meets regularly and helps to systematically coordinate the proposals sent to the Council of Ministers, although the Committee on National Security (Consejo de Seguridad Nacional) is gaining relevance and regularity.

The Committee for Economic Affairs normally meets on Thursdays to review and schedule economic or budgetary interministerial coordination. This committee was traditionally chaired by the minister for economy and finance, who was normally the second deputy prime minister as well. However, when Prime Minister Rajoy arrived in office in late 2011, he decided to divide the superministry into two separate departments (Economy and Competitiveness and Finance and Public Administration), and to chair the committee himself with the help of the director of his Economic Office. Although this committee only discusses economic proposals, it effectively settles issues a day before the Council of Ministers meetings.

Apart from the preparatory tasks of the Committee for Economic Affairs, the body that effectively filters out issues prior to cabinet meetings is the committee of undersecretaries and secretaries of state (no cabinet member participates apart from the deputy prime minister, who serves as its chairperson). This committee of top officials meets every Wednesday to prepare the Council of Ministers'

Ministerial  
Bureaucracy  
Score: 7

weekly sessions, which are held every Friday (see “Ministerial Bureaucracy”).

There is effective coordination of policy proposals made within the Spanish administration before the Council of Ministers’ meetings. Bureaucratic coordination at the highest level of hierarchy is more efficient than at the middle levels of the organization.

Thus senior ministry officials (the Spanish junior ministers, known as secretaries of state, and leading civil servants in the 13 ministries, known as undersecretaries) effectively prepare the Council of Ministers’ meetings. They meet every Wednesday in a committee (the Comisión General de Subsecretarios y Secretarios de Estado), two days before the weekly Friday Council of Ministers meeting. All issues arrive in time to be reviewed and filtered first by this committee. 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. The GO also collects and circulates all relevant documents for the Council of Ministers’ meeting among line ministers. A provisional agenda (known as the “black index”) is published a week before the cabinet meeting.

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 political either by nature or because a lack of ministerial consensus). Nevertheless, although the senior ministry officials effectively filter out and settle almost all issues, allowing the Council of Ministers to focus on strategic-policy debates, the truth is that important political discussions in the Spanish Council of Ministers are rare.

Regarding coordination by line-ministry civil servants, there is no Spanish tradition of interministerial administrative coordination. 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

Informal  
Coordination  
Score: 7

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.

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.

At a more political level, these informal mechanisms are less necessary, since the Spanish stable experience of single-party governments with strong prime ministers requires less coordination than coalition cabinets. Notwithstanding this, informal coordination procedures also exist with exchange of views and occasional meetings of an inner core of ministers politically closer to the Prime Minister Mariano Rajoy, such as the deputy prime minister, the ministers of foreign affairs or infrastructures and, for obvious reasons connected to the management of the crisis, the minister for economy and the minister for finance. Relations with the party-governance structure are channeled through the prime minister himself (who is president of the Popular Party or Partido Popular, PP) and the party’s secretary general, María Dolores de Cospedal, who is also the president of the Castile-La Mancha autonomous region.

#### Evidence-based Instruments

RIA Application  
Score: 5

There is no tradition in Spain of concern for the quality of legislation (apart from purely formal legalistic issues that are controlled 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 established in 2009. The introduction of RIAs has resulted in a general procedure to be applied across content areas (emphasizing that draft legislation must address economic and budgetary considerations as well as any other relevant aspects, such as environmental

impact, gender-equality concerns, and any possible effects on disabled people). Because this is a relatively new obligation, it is difficult to determine precisely how effectively impact assessments have been performed so far. In some instances, the RIA has been efficiently used; in others, it seems to have been a formal requirement fulfilled by the public administration.

However, at the end of 2014, a new bill on general administrative procedure included a promising provision. An entire part (chapter 6) of this draft legislation was devoted to ensuring law-making in the future took place in accordance with the principles of “smart regulation” and “better regulation.” This development, which follows the OECD’s recommendations, seeks to guarantee systematic planning by the administration before laws are drafted, while creating a more sophisticated RIA process and regulations that are proportional to the political goal and more congruent with other laws.

Citation:

<http://www.minhap.gob.es/Documentacion/Publico/NormativaDoctrina/Proyectos/MVB14A01%20%20Texto%20Ley%20de%20Procedimiento%20Consejo%20de%20Ministros%2009%2001%2015.pdf>

Quality of RIA  
Process  
Score: 3

RIA analyses in Spain are quite new, and the impulse for their use is currently focused on administrative simplification and better-regulation programs. Thus, the Spanish RIA process fails to achieve participation by stakeholders through consultation or collaboration, transparent communication of results to the public, and effective evaluation of assessments by an independent body and on a regular basis.

However, legal advances in the areas of smart regulation and transparency during 2014 point to continuing improvement in the quality of RIA processes. In particular, new procedures improving access to the public sector’s activities and the creation of new bodies to ensure these procedures’ implementation are positive recent developments.

Sustainability  
Check  
Score: 3

RIA analyses in Spain are quite new, and the impulse for their use is currently focused on administrative simplification and better regulation programs. Thus, the Spanish RIA process does not formally include systematic sustainability checks on an exhaustive set of indicators (including social, economic, and environmental aspects of sustainability) that consider the short- to long-term effects of regulatory change.

However, a piece of draft legislation on the reform of the Spanish general administrative procedure (which was under discussion at the end of 2014) included new sustainability-related improvements. Under the terms of this bill, the Government Office (Ministerio de la Presidencia, GO) would 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), but also, to some extent, from a substantive point of view. Thus, it 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 forthcoming improvement, Spain lacks a formal sustainability strategy other than the National Reform Plan and the Stability Program associated with European economic-governance obligations.

Citation:

<http://www.minhap.gob.es/Documentacion/Publico/NormativaDoctrina/Proyectos/MVB14A01%20%20Texto%20Ley%20de%20Procedimiento%20Consejo%20de%20Ministros%2009%2001%2015.pdf>

### Societal Consultation

Negotiating  
Public Support  
Score: 5

The conservative Popular Party (Partido Popular, PP) government has engaged in little consultation with societal actors such as trade unions or even employers' associations since it took office 2011. Decisions on the radical labor reform and most adjustment measures implemented since 2012, following the austerity and internal devaluation policies, were made without consultation with the two main trade unions UGT and CCOO. As a high priority has been put on the rapid implementation of structural reforms and public-expenditure cuts (affecting not only the labor market, but also the pension system, public administration, local government, access to justice, education and health care systems, etc.), the central government has used its absolute majority in the parliament, while doing little to facilitate policy acceptance on the part of unions or professional associations. In some cases, this has resulted in strikes.

Regardless of this general trend, line ministries still tend to consult with the economic and social actors important in their various policy areas, both private (especially businesses associations and 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. 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). On the positive side, the government engaged again in dialogue with unions at the end of 2014 when an agreement on assistance to unemployed workers was signed with UGT, CCOO and the main employer's association.

### Policy Communication

Coherent  
Communication

The government tries to speak with one voice. A communication office (Secretaría de Estado de Comunicación) exists within the Government Office

Score: 6

(Ministerio de la Presidencia, GO), led by Deputy Prime Minister Soraya Sáenz de Santamaría, who also serves as the government's spokesperson. The communication office is responsible for coordinating all 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 also 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. Since the Popular Party took office in 2012, and the role of coordinating ministries' messages was returned to a deputy prime minister who also leads the GO, communication coherence has improved. Contradictions do occur from time to time, but most messages are factually coherent with the government's plans. The main problem concerning communication, is the growing distance between the government and citizens, including those who voted for the PP in the last general elections but do not understand many of the measures undertaken since then (in particular, some austerity measures or tax increases).

### Implementation

Government  
Efficiency  
Score: 6

The Spanish government has not set a system of benchmarks to evaluate its own performance but, thanks to the important constitutional and political resources it enjoys, has been relatively successful in the implementation of major policy objectives. However, two main obstacles stand in the way of the government realizing more easily its declared objectives. Firstly, the weak mechanisms of coordination among autonomous regions. The 17 autonomous regions are responsible for implementation in many policy areas, and the government cannot fully guarantee the achievement of its objectives. Secondly, the ministerial fragmentation that sees line ministries often more oriented toward their individual departmental interests (to satisfy private groups and even corporatist bureaucratic goals in sectoral policy networks) than to governmental strategic objectives.

Despite these constraints, internal executive power has gradually been redistributed in favor of the prime minister and the core executive during the last 35 years, thus creating conditions under which a coherent set of major objectives can be developed, and policy priorities successfully achieved at the national level. The growing power and autonomy of the government as a whole has also benefited from EU membership. Since 2010, the deep crisis has had two different impacts on government efficiency. On the one hand, it is clear that economic constraints have impeded the implementation of several policy objectives, but on the other hand, a window of opportunity has been opened to

improve implementation performance (through more effective control of public spending by the autonomous regions and strict conduct guidelines for all central-government ministries and agencies).

Although the combination of austerity and a centralization of power could bring about further bureaucratic inefficiency with regard to policy implementation, the truth is that the Popular Party government has performed well in achieving its own declared major policy priorities: basically, public-spending cuts, structural reforms in the labor market and the banking system, and other adjustment measures linked to economic policy.

Ministerial  
Compliance  
Score: 9

The organization of the Spanish government provides strong incentives for all ministers to implement the overall government program rather than seeking the sectoral interests of their individual departments. The prime minister's powers over personnel are extraordinary; not only because of Articles 99 and 100 of the constitution, which stipulate that parliamentary confidence rests personally with him and his comprehensive government program (all other members of the Council of Ministers being appointed and dismissed at the prime minister's proposal), but also as a consequence of the fact that all Spanish prime ministers in the last 35 years have simultaneously been the strong leaders of very disciplined parties.

All prime ministers since the restoration of democracy have presided over single-party governments – Spain being the only EU country, along with Malta, in which there has not been any coalition experience at central government level. Mariano Rajoy is no exception, and he has the capacity to impose his views in the Council of Ministers and party meetings he chairs, to reorganize government structures and to dismiss those ministers he does not consider able or willing to implement the government's program.

However, the fact that the Spanish 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. On the other hand, the threat of dismissal – the main political instrument in the hands of the prime minister to control ministerial compliance – is remote, and when it happens is usually more connected to a decline of political trust than to any balanced assessment regarding implementation of the government's program or policies. In fact, ministers that maintain an amicable relationship with the network of sectoral interests around their ministry usually receive a positive judgment from the prime minister.

Monitoring  
Ministries

Spain's Council of Ministers, the Government Office (GO, Ministerio de la Presidencia) and the Prime Minister's Office (PMO) – which includes the

Score: 7

Gabinete del Presidente and the Oficina Económica del Presidente – have the theoretical capacity to monitor the activities of all line ministries, but this monitoring by the GO or the prime minister’s direct entourage cannot guarantee that no sectoral ministry will ever prioritize vertical over horizontal interests. The GO, headed by the powerful deputy prime minister, monitors the activities of line ministries but only through the weekly meetings which prepare 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 government line ministries (in the case of the head of the Prime Minister’s Economic Office, he has also coordinated the weekly important meeting of the government’s Delegate Committee for Economic Affairs since 2012). However, the resources of the PMO are also limited and – considering the lack of formal hierarchy vis-à-vis the ministers – it is rarely involved in direct coordination of ministerial departments. Only the prime minister or the deputy prime minister are entitled to play this role, but apart from the most politicized issues or in case of security crisis management (with a new Department of National Security within the PMO created in 2012), they do not have enough time and information to keep up a systematic monitoring and coordination role.

The monitoring of ministers will likely improve once a legal reform that was under discussion at the end of 2014 is passed. Article 164 of this draft bill on general administrative procedures referred to a new system for systematically assessing policy implementation in the form of an Annual Evaluation Report, which would be prepared by the GO every April in close consultation with line ministries.

Citation:

<http://www.minhap.gob.es/Documentacion/Publico/NormativaDoctrina/Proyectos/MVB14A01%20%20Texto%20Ley%20de%20Procedimiento%20Consejo%20de%20Ministros%2009%2001%2015.pdf>

Monitoring  
Agencies,  
Bureaucracies  
Score: 8

In terms of administrative law and other instruments of control (financial or human), the Spanish ministries may monitor the activities of all executive agencies and may force them to act in accordance with the government’s program. It is also true that, because of bureaucratic drift and/or flexibility in their functioning, some of these 150 or so semi-autonomous public bodies at central government level (formally known as organismos autónomos, agencias or entidades públicas empresariales) have been able to elude this control. Ministers have particular difficulties in effectively monitoring the largest ones (such as the National Institute of Social Security in the case of the Ministry of Employment, or the Development Cooperation Agency in the case of the Foreign Ministry).

One of the main ingredients of the administrative-reform process launched in 2012 (coordinated by the Commission for the Reform of the Public Administrations, CORA) consisted in reinforcing control over these agencies, and in some cases entailed the absorption of the smallest agencies by the ministry in charge of their task area. The reorganization of this so-called public sector has included the first comprehensive register of all existing agencies or any other semi-autonomous bureaucracy in Spain, several mergers, and the liquidation of many public companies. Some difficulties and delays have been encountered during the implementation of this plan in 2013 and 2014. The CORA has also promoted 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.”

Citation:

Gobierno de España. 2013. Report of the Commission for the Reform of Public Administrations (CORA). Madrid: Ministry of Finance and Public Administration.

[www.seap.minhap.gob.es/dms/en/areas/reforma\\_aapp/CORA-INGLES-web-/CORA%20INGLES%20%28web%29.pdf](http://www.seap.minhap.gob.es/dms/en/areas/reforma_aapp/CORA-INGLES-web-/CORA%20INGLES%20%28web%29.pdf)

Task Funding  
Score: 6

In the context of the deep economic crisis and public-spending cuts that have characterized Spain through 2014, it is difficult to assess whether the central government has honestly tried to enable subnational governments to fulfill their delegated tasks by providing sufficient funding (although, considering the difficult situation, that funding was inadequate), or if the central government deliberately shifted unfunded mandates to the regions. Although Spain can be considered a semi-federal system, the very high degree of regional decentralization has been occasionally associated with deficiencies in the process by which tasks are delegated to regions (“Comunidades Autónomas”) 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 penalties.

The period under review has been deeply affected by the previous enactment of the 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 the stability target and the expenditure rule. As a result, 25% of Spain’s public-spending cuts have been made by the autonomous regional governments. Richer regions are asking for a profound revision of the general funding system. The debate on the criteria by which solidarity funding should be allocated between regions and territories continues to be intense in Spain. 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.

In 2012, the central government introduced a scheme for providing liquidity to the Comunidades Autónomas that were facing great financial difficulties. The Regional Liquidity Fund (FLA) and the so-called Supplier Fund (FFPP) created by this program have ensured the regions' financial sustainability, with significant reductions in their costs. These mechanisms are grounded on strengthened fiscal conditionality and supervision through continuous monitoring, thus ensuring the achievement of the budget deficit targets. At the end of 2014, the central government announced that it would further reduce the cost of this funding (lowering the interest rate for funds provided to 0% from 1%). This provision of inexpensive liquidity indicates a somewhat renewed support for the regions. Finally, local governments (with responsibility for roughly 15% of total public spending in Spain) are without doubt inadequately funded given their responsibilities, but municipalities have less political power than regions to improve the system. Moreover, the government has forbidden them from carrying out unfunded tasks on policies for which the legal competence is regional and not local.

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 is now the main regulation that imposes stability, debt targets and expenditure rules on all public administrations. With this law, the central government – while formally respecting the constitutional autonomy of autonomous regions – de facto may narrow their scope of discretion with regard to implementation. Although the highly decentralized Spanish system usually enables the 17 regional governments to use their substantial autonomy fully and the Constitutional Court protects the regions in cases of unconstitutional interference, the decentralization process has not always been characterized by loyalty between the center and periphery.

In some cases the central government has attempted to weaken regions politically, while some of the regions (particularly those governed by peripheral nationalist parties like Catalonia or the Basque Country) have always tried to protect themselves from any kind of coordination. Since 2012, Catalonia has objected and even threatened secession as a consequence of several central initiatives that, according to the regional government, may have severely reduced its economic capacity and political autonomy. Examples of this recentralizing trend include restrictions on regional public deficits and public debt (the aforementioned Organic Law 2/2012), the legal reform on market unity, and the new education law.

However, it is also true that thanks to the regional liquidity mechanisms (FLA and FFPP) introduced in 2012 and extended through 2015, the central government has decisively helped the cash-strapped regions and local entities.

Otherwise, considering the extraordinary funding difficulties they have faced since 2010 (lacking access to international capital markets), they could not have continued to exercise some of their policy functions. Fourteen of the 17 Comunidades Autónomas have borrowed money from the liquidity fund. Catalonia has actually been the region to take greatest advantage of this rescue fund, and despite the region's secession threats, the central government even eased the terms of its financial support during 2014.

Citation:

[http://icf.gencat.cat/web/.content/documents/20\\_-1\\_icf/arxius/Fitch-Ratings-\\_-Press-Release.pdf](http://icf.gencat.cat/web/.content/documents/20_-1_icf/arxius/Fitch-Ratings-_-Press-Release.pdf)

National  
Standards  
Score: 5

Since 2012, the new regulations on financial sustainability of public administrations or on the local government (among others), have strengthened the tools for the Spanish central government to ensure that regional and local governments realize uniform national minimum standards. The central government has in principle always been committed to ensuring these, but it 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.

### Adaptability

Domestic  
Adaptability  
Score: 8

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, with government structures adapted to significant developments such as the monetary union, the internal market, access to EU funds, the launch of the External Action Service and the different sectoral aspects of EU law. 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 Kyoto Protocol). During the period under consideration, the two most important developments were an internal reorganization of the Prime Minister's Office in 2013 (EU and G-20 matters are now dealt with through a new unit), and the 2014 creation of a new Directorate-General for United Nations and Human Rights following Spain's election as a member of the U.N. Security Council during 2015 and 2016.

International  
Coordination  
Score: 7

In recent years, Spain has actively participated in the 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, 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 Mali, and since late 2014, in the Baltic and Mesopotamia regions as well).

The economic crisis had a significant impact on this international engagement, as overcoming the crisis was the government's top priority, and policy initiatives that did not bear directly on this goal received much-diminished attention. To be sure, budget cuts severely restricted the funding that was hitherto available for a wide array of policies and instruments designed to enhance Spain's influence abroad (in particular, regarding troops deployed, development cooperation, and more generally, contribution to global public goods). However, 2014 marked a turning point in this regard: the Ministry for Foreign Affairs approved a strategy to renew external action with more appropriate interministerial coordination, Spain was elected as a member of the United Nations Security Council for 2015 – 2016, and the government started to lead initiatives to create an effective energy union in Europe.

### Organizational Reform

Self-monitoring  
Score: 6

The Spanish prime minister has the constitutional and political monopoly 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. This also means that an overloaded prime minister cannot devote much attention to the most effective way to manage those arrangements, and can only sporadically monitor whether the current ones are working. Although Prime Minister Rajoy introduced alterations in ministries' names and jurisdictions when he arrived to office, he did this without a prior impact assessment. The division of the previously merged 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 during the last three years.

During the period under examination, the government's internal structure and the procedures of governing remained almost unchanged (see minor changes in "Institutional Reform"). No central actor performs this self-monitoring function. However, the new Law 19/2013 on transparency, access to public information and good governance states that the Government Office has to engage in comprehensive monitoring of general legislation, and where appropriate must promote revision and simplification. In addition, a bill on administrative procedure still in draft form as of 2014 may introduce a system of legislative planning and more rigorous evaluation of policymaking by the Government Office. Thus, in the future, the GO may also assess the appropriateness of institutional governing arrangements.

Institutional  
Reform  
Score: 7

The last significant changes to Spain's governing arrangements were introduced in 2012, when Prime Minister Rajoy reorganized ministerial portfolios and other institutional elements of the executive. The most important decision made at that time – the division of the former Ministry of Economy and Finance into two separate ministries – has not received generally positive assessments since, as this action reduced economic coordination within the government.

During the period under examination, the internal structure and the procedures of governing have remained almost unchanged. However, some relevant developments seem positive, including a minor reorganization of the Prime Minister's Office in 2013 (to adapt it to the new National Security Strategy), and the creation of some directorates-general (for example the new DG for United Nations and Human Rights following the election of Spain as member of the U.N. Security Council). A more substantial improvement may have been achieved through an interministerial administrative-reform process (CORA), but its scope has been very limited to date, consisting 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. A draft bill on administrative procedure, under discussion in late 2014, shows promising new concern for planning and evaluation within the lawmaking process, and promises to improve efficiency within the Council of Ministers.

## II. Executive Accountability

### Citizens' Participatory Competence

Policy  
Knowledge  
Score: 6

Traditionally, Spaniards have shown little interest in politics. Considering that most of them do not even follow the details of government composition or power struggles, it is easy to conclude that the attention to specific policies is quite low. According to empirical evidence, levels of interest in politics have remained stubbornly low during the entire democratic period, and expressions of complete disinterest are more widespread among Spaniards than among citizens of any other western European country. Nevertheless, due to the economic crisis, attitudes toward politics and the policymaking process have started to change, with the public demanding a higher level of knowledge. To be sure, the motives behind and implications of government policy decisions are now better explained in the media than was the case six years ago.

Recent research conducted by the official sociological institute CIS demonstrates that attentiveness to political information within Spain has improved. For example, the CIS Barometer 3041, published in October 2014, reports that 25% of Spaniards talk about politics very often when meeting with friends (up from only 14% in January 2008). According to the same polls, most Spaniards regularly follow politics by listening to the TV news. But even if those who extend their news-gathering habits beyond the TV are few when compared to the western European average, their number has significantly increased during the crisis; in 2014, 20% of CIS survey respondents said they read the political sections of newspapers every day (compared to 16.5% in 2008), while 17% used Internet sites on a daily basis to obtain political information (compared to 6.5% in 2008).

Citation:

2008 CIS poll: [www.cis.es/cis/export/sites/default/-Archivos/Marginales/2740\\_2759/2749/e274900.html](http://www.cis.es/cis/export/sites/default/-Archivos/Marginales/2740_2759/2749/e274900.html)

2014 CIS poll: [www.cis.es/cis/export/sites/default/-Archivos/Marginales/3040\\_3059/3041/es3041mar.pdf](http://www.cis.es/cis/export/sites/default/-Archivos/Marginales/3040_3059/3041/es3041mar.pdf)

### Legislative Actors' Resources

Parliamentary  
Resources  
Score: 6

Spanish deputies and senators can draw on a set of resources suited for selectively monitoring some government activities but they cannot control effectively all dimensions of public policy. Resources for obtaining or generating self-produced or independent information and expertise are very limited, without real parliamentary research units or think tanks. Members of the

bicameral General Courts do not even have an individual assistant, and the small number of expert staff is shared with other deputies or senators of the same party. Economic resources for the commission of independent research are also scarce.

For example, with regard to scrutiny of European policymaking (an area that can be easily compared to other EU member states' national parliaments), 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 the same vein, the Spanish General Courts were the last national parliament in the EU-27 to open an office in Brussels.

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. Heffler et al. London: Palgrave Macmillan.

Obtaining  
Documents  
Score: 8

According to Article 109 of the Spanish Constitution, the General Courts may request any kind of information or help they may need from the ministries, or from any other authorities of the central public administration or the autonomous regions "for the better fulfillment of the parliamentary duties." Requests for information are made through the speaker. 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: 8

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. This also means that ministers and top officials are entitled to attend committee meetings and to be heard. Two important limitations to this mechanism of control exist. First, at least 70 deputies or one-fifth of the members of a committee need to make the request –

that is to say, only the two main parties, the Popular Party (Partido Popular, PP) and the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE), acting collectively, can invite a minister.

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. Since 2011, the government has held an absolute majority, and even if petitions summoning ministers are rarely rejected, the PP controls the timing of the minister's attendance and has delayed hearings on some sensitive topics. Nevertheless, the mechanism is frequently used, and once 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: 9

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." University scholars, think-tank analysts and practitioners are sometimes invited for consultation. The rights of parliamentary committees to send invitations are not limited by any legal constraint; however, hearings featuring independent experts have not been customary in the Spanish parliamentary tradition (and have sometimes even been criticized as lobbying practices). Requests to summon experts may 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 fact that, in general terms, the human staff and financial resources of the Spanish parliament are highly restricted, hampers a more systematic involvement by experts in law-making.

Task Area  
Congruence  
Score: 7

There is nearly exact correspondence between the number and task areas of the 13 ministries and those of the Congress of Deputies' 17 regular legislative committees. In fact, the restructuring of ministerial portfolios in 2011 was immediately mirrored by a reorganization of the composition of the permanent legislative committees in the Congress. The only exceptions are the International Development, Culture and Equality committees, which do not match up with any single ministry (development policy is conducted from the Foreign Ministry, culture policy from the Education Ministry and equality policy from the Health and Social Services ministry), and the split of the task areas for the Ministry of Finance into two different committees: Budget, and Finance and Public Administration. For all the others, 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). Nonetheless, even if the task areas of parliamentary committees and ministries fully coincide, the legislature fails to monitor ministries effectively on the basis of factors which are connected to the much broader structural features of the Spanish parliamentary system such as the electoral system, party discipline or the constitutional powers of the executive.

Audit Office  
Score: 7

Article 136 of the Spanish Constitution regulates the Audit Office (Tribunal de Cuentas or, literally, Audit Court) as the organ that exercises the function of auditing the state's accounts and the financial management of the entire public sector. 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 results of the office's procedures are also expressed in reports, motions and notes addressed to the bicameral General Courts through the Joint Committee of the Congress of Deputies and the Senate for Relations with the Audit Office.

The office is accountable primarily to the parliament, although is not an integral or exclusive part of it. The office's members are appointed by a qualified majority agreement between the two main parties, and thus may not be sufficiently independent – particularly when auditing the political parties' accounts (see "Party Financing"). In fact, the Audit Office has in the past been slow to investigate the big financial scandals engulfing the Spanish political parties, and in 2014 faced accusations not only of inefficiency but also of nepotism when hiring its own staff. Thus, even if the Audit Office is accountable to the parliament, this does not mean that the parliament can fully rely on its auditing capacities.

Citation:  
[www.tcu.es](http://www.tcu.es) (official website)

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 the General Courts 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 (including the General Courts), 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) appeared several times in the General Courts. The ombudsperson is authorized to appeal before the Constitutional Court and may also initiate any habeas corpus proceeding. The ombuds office publishes annual reports for the General Courts and “monographic reports” on particular themes, as well as recommendations regarding the public administration’s legal duties toward citizens. According to the last annual report, most complaints were related to the crisis and the cutbacks, including issues relating to housing and mortgages; the sale of preferred stock to small savers; and inefficiencies in the education and health care systems. There are also complaints about the functioning of the Spanish judiciary; some cases of alleged abuse by public officials against immigrants; and errors detected in the levy of taxes.

Approximately 75% of the recommendations made by the Spanish 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.

[www.defensordelpueblo.es/en/Documentacion/Other/Documentos/Annual\\_Report\\_Summary\\_2012.pdf](http://www.defensordelpueblo.es/en/Documentacion/Other/Documentos/Annual_Report_Summary_2012.pdf)

## Media

Media Reporting  
Score: 7

Almost 70% of Spaniards watch TV news every day. This is broadcast on a twice-daily basis from 14:00 to 15:00 and from 20:30 to 21:30, making it the most important source of political information for the average citizen in Spain. Apart from these news programs, which are generally objective and balanced, several infotainment-style debate shows are aired during workday mornings and on some evenings (at weekends) but these are often superficial, focusing on polarized arguments with limited contextualized analysis. The crisis and its consequences for Spaniards have provoked much more interest than ever before in the background of economic and social policies, institutional design and international affairs, but this has not changed the fact that most political programs tend to be talk shows. Nevertheless, the public-television organization Televisión Española (TVE) offers some high-quality information programs, although its audience ratings are decreasing and the political independence of the corporation has suffered since 2012 (see “Media Freedom”).

A third of Spaniards also follow the political news via radio stations, which devote many hours a week to political information. All main stations have a morning program combining both background news and political debate (6:00 – 10:00), two main news programs (14:00 – 15:00 and 20:00 – 21:00), and a late-night news program (22:00 – 24:00). Privately owned radio stations are more ideologically biased than the major TV stations (with the 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.

The main newspapers (El País, El Mundo, ABC, La Vanguardia) provide a fairly significant amount of background information and contextualized op-ed analysis on government decisions, despite their partisan preferences. However, the number of print-media readers is falling, and the impact of print publications is thus limited. However, a growing number of readers have begun following politics-themed blogs (“Agenda Pública”, “Politikon” and “Piedras de Papel,” to name a few), which offer high-quality information in their analysis of the Spanish policy process. This is the most interesting recent development regarding political information, though political debate in the Spanish blogosphere is still followed by only a minority of Spaniards.

### Parties and Interest Associations

Intra-party  
Democracy  
Score: 5

Only two parties – the Popular Party (Partido Popular, PP) and the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) – can be considered major parties in Spain, having gained more than 10% of the popular vote in the last general elections. However, this section also includes a new party (Podemos), since all opinion polls taken since September 2014 predict that it may get as much as 20% to 25% of the vote in the next elections.

The PP, in office since December 2011, is characterized by quite 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 2011 nomination of Mariano Rajoy as the candidate for prime minister without any direct participation by party members, despite some internal resistance to his candidature. 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.

The PSOE, which was in office until December 2011, cannot be considered a flagship example of inclusiveness or openness, but 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. Current Secretary-General Pedro Sánchez was elected in July 2014 primary elections in which party card-holders were allowed to vote (turnout was 67%). For the candidate in next elections, despite the selection of a new party leader, the PSOE is considering following the French example and holding primary elections open to all party supporters.

In the new leftist party Podemos (“We can”) – a political force fiercely critical of austerity policies and the cartelization of the two major parties that was founded in January 2014, and by the end of the year was surprisingly leading the electoral polls – the situation is not particularly brilliant with regard to intra-party democracy. Despite its claims to allow all party members and supporters to participate in personnel and program decisions, a very closed party leadership was able to fully control the most important decisions on personnel and program items during the party’s first convention, held in autumn 2014.

Elodie Fabre. 2011. “Measuring party organization: The vertical dimension of the multi-level organization of state-wide parties in Spain and the UK” *Party Politics*, 17: 343-363.

Association  
Competence  
(Business)  
Score: 8

Spain’s economic-interest associations have improved their substantive competence in recent years through specialized research, contacts with scholars, and their own training centers and foundations. This may help them to identify the causes of problems and analyze policy effects while taking long-term interests into account.

During the period under examination, the main trade unions in Spain (UGT and CCOO) have strongly opposed the austerity measures and other adjustment reforms implemented by the Popular Party (Partido Popular, PP) government. However, this does not mean that Spanish trade unions are radicalized or incapable of formulating relevant policies. UGT is associated with the Fundación Francisco Largo Caballero, and CCOO with Fundación 1 de Mayo.

The largest employers’ association (CEOE) has the *Círculo de Empresarios* and the *Círculo de Economía* think tanks, as well as the training centers linked to the CEOE and the Chambers of Commerce. Other private economic groups include some farmer’s associations (such as COAG and ASAJA), the National Federation of Fishermen’s Association, 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). All are capable of proposing relevant policy measures within their



Association  
Competence  
(Others)  
Score: 8

specific areas of interests. Big Spanish companies also fund liberal economic-policy think tanks (for example, Fedea) that are autonomous but produce “business friendly” policy proposals.

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. However, despite its close links with the current center-right Popular Party government, the church was unable to avoid a 2014 policy reversal, in which the PP decided not to implement a previously announced legislative restriction on abortion. Other minority religious communities are very tiny.

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 (Intermon-Oxfam and other Spanish groups which benefited larger budgets in this area in the late 2000s) have gained technical competence, and rely increasingly 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 and particularly same-sex marriage.

Finally, social protest movement triggered by the crisis have made a mark in recent years. Platforms and networks following the example of the 15-M Movement (the so-called Indignants, who launched their demonstrations on 15 May 2011) have been able to gain media attention and even shape public policy by asking for more transparency (for example, the group Democracia Real Ya) or better regulation of mortgages (for example, the Plataforma de Afectados por la Hipoteca or Mortgage Victims Association). Social movements promoting (or in some cases opposing) Catalonia’s right to become an independent state also have expert staff that undertakes research on issues related to independence.

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[www.wsws.org/en/articles/2013/04/02/spai-a02.html](http://www.wsws.org/en/articles/2013/04/02/spai-a02.html)  
<http://thediplomatinspain.com/en/the-catalan-civil-society-receives-the-european-citizens-prize-granted-by-the-european-parliament/>

This country report is part of the Sustainable Governance Indicators 2015 project.

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