



# Spain Report

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## Sustainable Governance Indicators 2018

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## Executive Summary

After several years of recession, social unrest has eroded the legitimacy of and public trust in Spain's political system. The shift from a two-party into a multiparty system has been a notable consequence of these developments. In addition to traditional parties such as the Popular Party (PP) and Spanish Socialist Party (PSOE), this multiparty constellation now includes the leftist party Podemos and liberal Ciudadanos. Although the nascent parties offered a fresh pluralistic impetus in parliamentary debates, this came with higher political instability: since the traditional parties lost support, the building of coalition governments at the national level had become unviable. Prime Minister Mariano Rajoy began the process of securing parliamentary support for the 2017 budget in a test of his minority government's power. With a fourth of the year already gone, the Spanish cabinet passed his 2017 tax and spending plans. Spain's lower house approved the long-delayed 2017 national budget after Rajoy secured the support of smaller parties in exchange for investment pledges and tax benefits. Also in 2017, however, the conflict in Catalonia escalated into the country's biggest political crisis since democracy was restored in 1978. Police violence exerted to prevent the holding of a referendum on the political relationship between Catalonia and the rest of Spain, which had been suspended by Spain's Constitutional Court, has damaged the image of the country internationally.

After secessionist Catalan members of parliament voted to declare an independent republic in October, the Spanish government dissolved the Catalan parliament and announced new elections for December 2017. The Spanish senate granted Rajoy unprecedented powers to impose direct rule on Catalonia under article 155 of the constitution. The interpretation and application of article 155 have been widely discussed. Some consider that the state had to take measures to protect the general interest. Others, among them the Catalan ombudsman, considered the application of article 155 as "abusive."

Most economic domains continued to bear the fruits of previous economic reforms. Economic growth has been strong and balanced in 2017 and is projected to moderate but remain robust in 2018 and 2019. In fact, economic growth will be much higher than in other euro zone countries in 2017. After radical austerity programs, reforms in the banking sector, increasing foreign

investment, and labor market reforms, the unit labor cost fell significantly and productivity rose. In 2017, these competitiveness gains continued to support exports, despite the strength of the euro. The European Commission's decision to grant more flexibility in meeting fiscal targets and euro area monetary policy were also helpful as were the decline in oil prices and the record-breaking number of tourists (80 million forecast for 2017).

The recovery has also been driven by domestic demand. Nevertheless, the Spanish economy has not yet rebounded to 2008 levels, the incomes of Spaniards remain lower than before the crisis and bank lending remains limited. Although households have reduced their debt by nearly 55% of GDP since mid-2010, the public deficit remains very high (forcing the continuity of austerity policies). Unemployment rates are lower than in 2016 but remain very high (16.5% in 2017).

It is premature to assume Spain is now on a truly sustainable economic path, since several weaknesses persist. Bank lending remains limited and current-account deficits may reemerge, the labor market continues to languish, and inequality is becoming more extreme. Most new jobs created are unstable. Social exclusion remains a perennial problem, with 22% of Spaniards at risk of poverty. In addition, increasing life expectancies are leading to an unsustainable population pyramid – the most challenging in Europe. In combination with the effects of the crisis, this challenge has reopened the debate on the future of the Spanish social security system.

Spain continues to collect less in taxes relative to wealth than most other European countries, making ambitious education, welfare and environmental policies difficult. Investment in R&D accounts for just 1.2% of GDP, compared to European Union and OECD averages that are above 2%. There are some positive trends in policy areas such as health care (a well-considered and innovative system, despite recent budgetary cuts).

The crisis had a profound impact on public trust in democratic institutions and the Catalan conflict is considered by some in the country to be damaging the quality of democracy. 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. At the national level, the capacity of citizens to participate through legally binding referendums remains a weakness of the political system. However, at the local level and at the level of Autonomous Communities, new mechanisms of direct democracy are progressively being used. In addition, Spaniards abroad, whose numbers have recently substantially grown, face barriers to political participation domestically. Media pluralism and independence could be improved as well.

## Key Challenges

Spain is no longer viewed as the euro zone member whose troubles are most likely to put the single currency in peril. Instead, it is regarded as a success story thanks to reforms implemented by the Spanish government in recent years. External factors contribute to foster this growth. For this to continue, however, the country's profound domestic challenges must be addressed. On the fiscal front, the persistent gap between public spending and tax receipts will oblige Spain to either implement additional austerity measures or collect more revenue. The latter, more appealing option, can be realized by making the tax system more efficient and reducing the high level of tax evasion. Also, the financing system of the 17 Autonomous Communities must be reformed so that these subnational governments have sufficient resources. Deficit levels remain very high; although Brussels is inclined to help, much more progress is required.

In order to improve the competitiveness of the Spanish economy and foster economic growth, the government must place greater emphasis on innovation and education. Evidence suggests that Spain's current education and R&D systems are hindering the move toward a more knowledge-based economy.

Regarding the country's extraordinarily high unemployment, especially among youth and those who have now been out of the labor market for several years, the government must develop and implement job-creation policies involving more than simple wage cuts. Needed reforms include policies to improve human capital and expand R&D, increase competition in goods and services markets, end labor-market dualities, reduce energy costs, and find an effective and capable means of redistributing income to reduce inequality.

The economic growth observed over the past years has not made a difference in many Spaniards' lives. Management of the crisis undermined every social program and has amplified inequality and increased social exclusion. As a consequence, the government's social policies require strategic attention over the coming years. Maintaining social cohesion has itself become a critical challenge. There is the near-term risk that adjustment costs may become unsustainable as well as a longer-term risk that spending cuts in health care, education, inclusion and family policies may increase social tensions. Widespread support is increasingly found among the Spanish population to carry measures dealing with this increasing inequality.

The aging population represents another major challenge. The average Spaniard today lives 81.6 years, the birth rate is extremely low (1.3) and forecasts suggest that one-third of Spain's population will be 64 years of age or older by 2050 (compared to 17.4% in 2012). Effectively addressing this challenge will depend on future immigration patterns and the integration of foreign workers, but also requires tackling the unsustainable pay-as-you-go pension system. Remarkably, given the large inflow of foreigners followed by a deep economic crisis, Spanish society has thus far not succumb to xenophobia, although this may change with the next generation.

The central government has demonstrated little concern for environmental sustainability, despite the country's risky geographic location with regard to global challenges such as desertification and climate change. Spain, which imports most of its energy, has gone so far as to reduce earlier investments for developing renewable energy sources. In contrast, local governments and the governments of the Autonomous Communities began in recent years to adopt policy measures to reduce pollution and protect the environment.

Regarding political stability, the single-party minority government requires allies for most legislative initiatives. This means PP must strike compromises with other parties in the parliament on a variety of issues, including budgetary matters. Due to ideological (and tactical) considerations, it will be difficult for PP to do so with the parties on the left, in particular, the socialists, PSOE, and Podemos. Ciudadanos will be a source of support, though alone insufficient to get legislation passed. This means PP must count on other minor parties, including Basque moderate nationalists and Canary Islands regionalists. As a consequence, it is unlikely the government will secure majorities for major reforms and quite possible that elections are called before the current parliamentary term ends in 2020.

The push for independence in Catalonia, one of Spain's wealthiest regions, endangers political stability and threatens constitutional turmoil. Political positions in Madrid and Barcelona remain very distant and negotiation channels have yet to be established. In October 2017, PP, Ciudadanos and PSOE agreed to create a parliamentary committee to study the current territorial model. The committee's final report may be the impetus for a constitutional reform. However, such a reform would require traversing a perilous constitutional process (article 167). Also, a constitutional reform may help to consolidate the territorial model, but may not be enough to reduce tensions between Catalonia and the "rest" of Spain.

# Policy Performance

## I. Economic Policies

### Economy

Economic Policy  
Score: 8

Spain's economic recovery continued in 2017, with the economy expanding again by 3%. This means that the economic recovery begun in 2014 remains robust. The economic growth is also much higher than that observed in other euro zone economies such as Germany (2.2%), France (1.8%) and Italy (1.6%) in 2017. After reforms to the banking sector and labor market, unit labor costs fell significantly and productivity rose. In 2017, the competitiveness gains continued to support exports, despite the strength of the euro. The European Commission's decision to grant more flexibility for meeting fiscal targets and euro area monetary policy was also helpful as were the decline in oil prices and arrival of nearly 80 million tourists.

The recovery has also been driven by domestic demand. Notwithstanding, the Spanish economy has not yet rebounded to 2008 levels. Income per household remains lower than in pre-crisis times and bank lending remains limited. Households have reduced their debt by nearly 55% of GDP since mid-2010. However, the public deficit is high (forcing the continuation of fiscal austerity policies), inequality is severe, and unemployment rates, while decreasing, remain at a very high level (16.5% in 2017). Also, political tensions in Catalonia increased uncertainty in the second half of 2017 as well as significantly lowered consumer and business confidence and investments.

Citation:

OECD, Economics Department, Economic outlook, analysis and forecasts Spain – (November 2017)

May 2017, Assessment of the 2017 Stability Programme for Spain (European Commission):

[https://ec.europa.eu/info/sites/info/files/09\\_es\\_sp\\_assessment.pdf](https://ec.europa.eu/info/sites/info/files/09_es_sp_assessment.pdf)

October 2017, Financial Times: "Spanish economic growth maintains pace in Q3"

<https://www.ft.com/content/631efb7e-53fe-3d67-9f93-9a8716fe94d2>

Trading Economics, Spain Tourist Arrivals: <https://tradingeconomics.com/spain/tourist-arrivals>

## Labor Markets

Labor Market  
Policy  
Score: 6

Though still quite high compared to other OECD countries, unemployment rates in Spain began to fall in early 2013, as the Spanish economy entered recovery. The jobless rate reported by the Spanish Statistics Institute (INE) was 16.5% in 2017, having fallen from an all-time high of 27% in the first quarter of 2013, but remains among the highest in the EU, especially among young and low-skilled workers. The average unemployment rate over the past 40 years was around 16%. Although the recent progress is positive news, most jobs created are unstable and of inferior quality. The Spanish labor market continues to languish under problems that public policies have been unable to solve. Perhaps the three most significant ones include: 1) a lack of flexibility in the labor force (e.g., insufficient mobility); 2) a high share of undeclared work (which also means the actual unemployment rate is not as extreme as official figures indicate); and above all, 3) the dual labor market, which is a serious source of inequality. Analysts also point to the existence of several contract modalities, a flawed social dialog and expensive compulsory social security contributions. Finally, public-spending cuts have reduced the prevalence of active labor-market programs (e.g., training) designed to help the unemployed find work. The European Youth Employment Initiative (EYI) has somewhat compensated the cuts in national funding. After a slow start, implementation of the EYI improved in 2017, but inefficiencies remain and the impact of the program is limited.

### Citation:

Economically Active Population Survey (EAPS-EPA) Quarter 3/2017. Spanish statistics institute INE:  
<http://www.ine.es/dyngs/INEbase/e> [n/operacion.htm?c=Estadistica\\_C&cid=1254736176918&menu=ultiDatos&idp=1254735976595](http://www.ine.es/dyngs/INEbase/e/operacion.htm?c=Estadistica_C&cid=1254736176918&menu=ultiDatos&idp=1254735976595)  
Export.gov, Spain Labor Policies and Practices  
<https://www.export.gov/article?id=Spain-Labor>

## Taxes

Tax Policy  
Score: 6

Spain collects less in taxes relative to wealth than do most other euro zone countries. In 2016, Spain exhibited a tax-to-GDP ratio of 34% compared with the EU average of 40% (48% in France, 43% in Italy and 40% in Germany). The tax-to-GDP ratio in Spain increased slightly from 33.2% in 2000 to 33.5% in 2016. The tax reform of 2014, which came into force in 2015, amended the personal-income-tax system with generous tax cuts before the inconclusive elections held in December. According to Spain's finance minister, who was caretaker during 2017, this change was compatible with the goal of reducing the public deficit, as it is assumed that the economic stimulation would counterbalance reductions in some tax rates.

Tax policy is more difficult to assess with regard to equity and competitiveness. Vertical equity exists in principle (with strongly progressive income taxes and different VAT rates on products and services), but horizontal equity suffers due to 1) corporate-tax engineering, 2) the prevalence of fraud and 3) the scope of the underground economy, from which the state does not collect taxes at all. After years of reducing spending in public administration, the human resources of the AEAT have been increased. Nevertheless, a reform of the taxation agency expanding its human, ICT and financial resources is clearly needed.

Citation:

Heritage Foundation (2016). Index of Economic Freedom  
<http://www.heritage.org/international-economies/report/2017-index-economic-freedom-trade-and-prosperity-risk>

June 2017, El País: “Spain losing €6bn in tax revenue due to fraud, says economists’ report”  
[https://elpais.com/elpais/2017/06/15/inenglish/1497545884\\_038119.html](https://elpais.com/elpais/2017/06/15/inenglish/1497545884_038119.html)

## Budgets

Budgetary Policy  
 Score: 6

In May 2017, after intense negotiations, the Spanish government reached an agreement between seven political parties (PP, Ciudadanos, PNV and several small regional parties) and the budget for 2017 was finally approved, stretching the European Semester budgetary plan. Along with 2016, 2017 is the second year since 2011 in which budgetary policy has somewhat softened austerity measures.

Nevertheless, despite four years of public spending cuts, neither the deficit (approximately 3.5% of GDP in November 2017) nor public debt (98.7% of GDP in November 2017) have been significantly reduced. Spain has the highest deficit in the European Union (France, with 3.4%, has the second highest), and its public-debt-to-GDP ratio is the seventh-highest in the EU (after Greece, Italy, Portugal, Ireland, Belgium, and Cyprus). It would be premature to conclude that Spanish budgetary policy has realized the goal of fiscal sustainability. However, the spending cuts have been achieved with great effectiveness both by the central and regional governments (see also “Task Funding”).

Mid-2017, Spain’s risk premium had reached its lowest level since early 2010. The European Commission expects that Spain will be able to further improve or stabilize its current accounts and agreed to grant additional flexibility, delaying achievement of the deficit objective of 3.0% of GDP until the end of 2017. In any case, financial stability depends more today on the ability to



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

Citation:

European Commission Economic Forecast Autumn 2017: [https://ec.europa.eu/info/sites/info/files/economy-finance/ecfin\\_forecast\\_autumn\\_091117\\_es\\_en.pdf](https://ec.europa.eu/info/sites/info/files/economy-finance/ecfin_forecast_autumn_091117_es_en.pdf)

April 2017, La Moncloa: "General State Budget for 2017 guarantees economic growth and job creation" <http://www.lamoncloa.gob.es/lang/en/gobierno/news/Paginas/2017/20170404-publicaccounts.aspx>

## Research and Innovation

R&I Policy  
Score: 5

Research and technology policy remained a weak point during the period under review, as evidenced by the low number of patents registered, the relatively poor international ranking of universities and the decreasing level of spending on R&D. Indeed, in 2017, approximately 1.8% of GDP will go to research and development, compared with an EU average of more than 2% (which was the Spanish target for 2010). All indicators of public or private support for innovation in Spain are far below those in the advanced-economy leaders; for example, the country is ranked 16th among the 28 EU member states in R&D spending and 17th on the EU Innovation Scoreboard. Although over time performance has declined by 1.8% relative to the EU average in 2010, the European Commission underlines the relative strengths of the innovation system: human resources, the innovation-friendly environment and attractive research systems. However, relative weaknesses remain in innovators, linkages, and finance and support. Spanish universities and research centers underline the need for higher spending in R&D and less bureaucratic rules which endanger the continuity of research projects.

According to the Cotec Report on Technology and Innovation, some positive signs regarding R&D investment were evident in 2016, largely thanks to European Commission funding and private investment (which accounts for more than half of Spain's total R&D spending). Spain also came out relatively well in the latest Nature Index (published in 2016), which tracks the affiliations of high-quality scientific articles published in 68 science journals; in this, Spain was the 11th most prolific country worldwide (although with a small decline as compared with the previous year in which it ranked 10th).

Citation:

European Commission, European Innovation Scoreboard 2017 [http://ec.europa.eu/growth/industry/innovation/facts-figures/scoreboards\\_es](http://ec.europa.eu/growth/industry/innovation/facts-figures/scoreboards_es)

Cotec, Informe para la innovación 2017 [http://cotec.es/media/INFORME-COTEC-2017\\_versionweb.pdf](http://cotec.es/media/INFORME-COTEC-2017_versionweb.pdf)

Nature Index for innovation, 2017  
<https://www.natureindex.com/country-outputs/Spain>

Stabilizing  
 Global Financial  
 Markets  
 Score: 7

### Global Financial System

Though aware of its limitations as only a medium-sized power and indebted economy, Spain behaves as an important partner in international forums and tries to contribute actively to improving the regulation and supervision of financial markets. This participation has been given weight by its role as one of the countries hit particularly hard by the global economic crisis and the financial instability. It participates in the G-20 meetings as a “permanent guest,” and sits on the Financial Stability Board. It is also part of the IMF system (with 1.94% of the votes) and the World Bank (1.74%). It has also been engaged within the OECD in the fight against tax havens, with a particular focus on Andorra and Gibraltar. In 2017, Luis de Guindos was appointed new governor of the Asian Infrastructure Investment Bank, representing Spain. At the European regional level, Spain is a member of the EU and is the fourth most important state within the euro zone. It has pushed hard in recent years for a banking union and for the European Central Bank to take a more active role in strengthening the single European currency. It has also sought to strengthen regulation of rating agencies.

Citation:  
[http://www.imf.org/external/np/sec/memdir/members.aspx#Sweb.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/WBEUR\\_OPEEXTN/SPAINEXTN/0,,contentMDK:20811636~menuPK:2205720~pagePK:141137~piPK:141127~theSitePK:292395,00.html](http://www.imf.org/external/np/sec/memdir/members.aspx#Sweb.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/WBEUR_OPEEXTN/SPAINEXTN/0,,contentMDK:20811636~menuPK:2205720~pagePK:141137~piPK:141127~theSitePK:292395,00.html)  
 May 2017, El País: “Spain wants new rules for a complete overhaul of the euro zone”  
[https://elpais.com/elpais/2017/05/15/inenglish/1494834628\\_864171.html](https://elpais.com/elpais/2017/05/15/inenglish/1494834628_864171.html)

## II. Social Policies

### Education

Education Policy  
 Score: 6

Despite the Spanish education system’s outstanding improvement since the 1980s with regard to equity and efficiency, Spaniards largely regard educational outcomes within their country as mediocre. This perception is confirmed by the country’s unexceptional PISA test results. In fact, the country’s education system was only ranked the 24th most efficient out of 35 OECD countries. Some reasons for the overall poor results, although the causes strongly differ across regions, is a curriculum regarded as out of date,

poor teaching quality and the large number of students who repeat years.

The level of government spending on education is also an important factor. In 2016, education spending was one point of GDP below the OECD average. However, among the Autonomous Communities, which are responsible for 80% of public spending on education, there are varied levels of spending. This diversity is the result of differing orientations on education policy, the financial resources available and number of private centers in each Autonomous Community.

The Spanish education system continues to suffer challenges of quality and equity. Particular trouble points include access to preschool education and the socioeconomic class segmentation between students in public schools and those attending publicly funded private schools, normally affiliated with the Catholic Church. Equality of opportunities has been undermined since 2011 as a result of education spending cuts, an increase in fees, and a stiffening of conditions for obtaining funding and scholarships, all of which have served to exclude poor students from the system.

The Spanish education system has been shaped not only by socioeconomic struggles over distribution, but conflicts over religious, linguistic-cultural and national identity issues, and political factors. The current legislative framework was approved by the PP government in 2013, which was ruling at the time with an absolute majority, but opposed by all other political parties as well as educators, some regional authorities and a large share of society. Partly due to this opposition, the PP minority government began new negotiations to improve the legal act in 2017. The difficulties of negotiating a national agreement on education illustrate the diverse views on the current state of the education system.

Citation:

Spain's PISA results (2015):

QS World University Rankings 2018

<https://www.topuniversities.com/university-rankings/world-university-rankings/2018>

Spain's PISA results (2015):

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

European Commission: Education and Training Monitor 2017, Spain

[https://ec.europa.eu/education/sites/education/files/monitor2017-es\\_en.pdf](https://ec.europa.eu/education/sites/education/files/monitor2017-es_en.pdf)

## Social Inclusion

Social Inclusion  
Policy  
Score: 5

Societal exclusion remains a perennial problem for Spain: 27.9% of Spaniards live at risk of poverty (Spanish statistical authority, 2017). This figure, which is based on declared income from 2015, is slightly better than the 28.6% that

was registered using 2014 data, but remains above the 26.7% recorded in 2010. Those at a higher risk of marginalization include immigrants, unemployed youth and elderly people with minimal pensions. According to the OECD, particularly serious is the 2017 child-poverty rate of more than 20%. Women (in particular those in precarious employment and heading a single-parent family) are more vulnerable than men. Finally, the share of employed people living under the poverty threshold is also very high, one of the worst cases in the EU. Two back-to-back recessions (2008 – 2009 and 2010 – 2013) further impoverished vulnerable households and broadened the gap between the poorest and wealthiest sectors of the population (Gini coefficient: 0.35). The combined impact of economic difficulties (rising unemployment rates along with cuts in salaries and benefits) and austerity measures (affecting health care, education, social services and disabled-person support programs) have exacerbated marginalization. The National Action Plan on Social Inclusion for the 2013 – 2016 period has clearly proved insufficient, and privately run social organizations have been unable to fill the service-provision gap. In February 2017, the Secretary of State for Social Services and Equality announced the preparation of the Second Action Plan of the Youth Strategy 2017 – 2020. Nonetheless, Spain is on par with the OECD average in terms of welfare spending on pension, family, health and integration policies as a share of GDP. The situation is better with regard to areas of discrimination not associated with poverty, particularly regarding gender equality within institutions and the rights accorded to homosexuals (see “Non-discrimination”).

The long-term impact of the high rate of poverty in Spain and the absence of an effective policy to lift out of poverty at least the most vulnerable groups may include a loss of overall competitiveness and have negative effects on social coexistence.

Citation:

European Commission (2017), [https://eacea.ec.europa.eu/national\\_policies/en/content/youthwiki/4-social-inclusion-spain](https://eacea.ec.europa.eu/national_policies/en/content/youthwiki/4-social-inclusion-spain)

INE, Living Conditions Survey, Year 2016

[http://www.ine.es/en/prensa/encv\\_2016\\_en.pdf](http://www.ine.es/en/prensa/encv_2016_en.pdf)

Bertelmann Stiftung, Social Justice Index Report 2017

[https://www.bertelmann-stiftung.de/fileadmin/files/BSt/Publikationen/GrauePublikationen/NW\\_EU\\_Social\\_Justice\\_Index\\_2017.pdf](https://www.bertelmann-stiftung.de/fileadmin/files/BSt/Publikationen/GrauePublikationen/NW_EU_Social_Justice_Index_2017.pdf)

## Health

Health Policy  
Score: 7

The Spanish national health care system is highly decentralized, relatively well-thought out, and largely achieves the criteria of quality, inclusiveness, and cost efficiency. According to a Bloomberg Index, Spain is the sixth

healthiest country in the world (and OECD data show it has the second-highest life expectancy, after Japan). Low mortality rates from all causes of death (including heart diseases, cancer, transport accidents or infant mortality) demonstrate the effectiveness of the policy. However, rates of mental illnesses, diabetes and drug consumption are higher than the European averages. Spaniards' self-perceptions of their own health status and their opinions regarding the national health care system reflect a degree of satisfaction that is quite high in cross-OECD comparison. Access to a core set of high-quality health services is guaranteed through a public insurance system that covers 99% of the population. However, the number of practicing doctors, nurses and hospital beds per 1,000 residents is relatively low. The general quality of this system has deteriorated in recent years due to austerity measures (although health care spending still accounts for approximately 9% of GDP, close to the OECD average). The most recent reports emphasize deficiencies related to waiting lists, patient rights and sickness prevention. There is also interregional inequality. The system has recently become more cost efficient, particularly with regard to pharmaceutical spending. However, the system's sustainability is at risk over the medium and long term, as a consequence of the aging population (one out of five Spaniards will be older than 65 by 2025) and the subsequent increase in the incidence of chronic diseases.

Citation:

OECD, State of Health in the EU: "Spain Country Health Profile 2017" <http://www.oecd-ilibrary.org/docserver/download/8117631e.pdf?expires=1511483073&id=id&accname=guest&checksum=E06FBC18C2F0B44B2F9042D89C87C48C>

Bloomberg 2017 Healthiest Country Index

<https://www.bloomberg.com/news/articles/2017-03-20/italy-s-struggling-economy-has-world-s-healthiest-people>

Bloomberg 2017 Health-Care Efficiency Index

<https://knoema.es/opambfb/health-care-efficiency-around-the-world>

## Families

Family Policy  
Score: 6

Spain has a very low fertility rate, which is one partial outcome of the timidity of Spanish family-support policies and the instability of the labor market. Public spending on social services designed to support women in combining parenting with employment were cut back considerably further as a result of the economic crisis and associated budgetary constraints.

Traditional family patterns (in which mothers focus on household work and child care duties) have changed in Spain, but this has resulted more from slow sociological developments than from any explicit family-support policy. Moreover, traditional gender roles, which remain deeply rooted among Spaniards, keep women in an unequal position; there is a wage and pension-value gap of close to 20% between men and women. Women's labor-market

participation rate is also much lower than that of men. In 2016, the employment rate among women was approximately 40%, as compared to 50% among men. The slow implementation of the National System of Dependency (governing care for dependents) has made it more difficult for women to remove themselves from the burden of family care. Further measures are needed to facilitate a culture of shared responsibility for child care. A corporate culture of “presenteeism” within the workplace does not help. Men can now benefit from an increase in statutory paternity leave from 13 days to four weeks. In 2016, a tax reform decided in 2015 was implemented to benefit large families (i.e., three or more children), in parallel with taxpayer deductions amounting to €100 or €200 per month depending on the number of children. The Comprehensive Plan to Support Families for the 2015 – 2017 period, will finish at the end of the year. According to first evaluations by international organizations, the plan was insufficient to address the high percentage of vulnerable families and improve the protection of children in Spain.

Citation:

January 2017, Willis Towers Watson: “Spain: New increase in statutory paternity leave warrants employers’ review”

<https://www.towerswatson.com/en/Insights/Newsletters/Global/global-news-briefs/2017/01/spain-new-increase-in-statutory-paternity-leave-warrants-employers-review>

January 2017, European Commission 2017 Report on equality between women and men in the EU

[http://ec.europa.eu/justice/gender-equality/files/annual\\_reports/2017\\_report\\_annual\\_gender\\_equality.pdf](http://ec.europa.eu/justice/gender-equality/files/annual_reports/2017_report_annual_gender_equality.pdf)

## Pensions

Pension Policy  
Score: 7

Spanish pension policy targets its objectives both through a public pension scheme and by offering favorable tax relief for those enrolled in private pension schemes. It largely achieves the goals of poverty prevention and fiscal sustainability, but only moderately meets standards of intergenerational equity. The pension system represents the largest single piece of public spending (more than €20 billion). Despite the cuts suffered in salaries and subsidies as a result of the austerity measures and internal devaluation, Spanish pensioners have maintained their purchasing power during the crisis years. Moreover, whereas the poverty rate among Spain’s general population is 22% (and nearly 30% among children), the rate among the elderly is only 12%. Thus, it seems that poverty prevention among older generations has succeeded and that the elderly are less economically vulnerable than active but unemployed workers or other young inactive people without social benefits. It cannot be said, however, that the current system ensures equity across generations – pensioners, the active labor force and youth. As a matter of fact, intergenerational equity is not an explicit goal and fair burden-sharing is not

explicitly defined. The model (with the exception of private pension plans publicly subsidized through favorable tax treatment) is instead based on the pay-as-you-go methodology in which current contributors to the insurance system pay the expenses for the current generation of recipients. The rights of new retirees have always been respected so far, the model is based on the (doubtful) expectancy that the following generation will be able to cover the necessities of the previous generation. These shifting demographics, in combination with longer life expectancies, are leading to an unsustainable population pyramid that is worse in Spain than anywhere else in Europe. Moreover, the impact of the crisis and financial needs of the government reduced the accumulated reserves (El Fondo de Reserva de la Seguridad Social) and put the system under additional pressure. These developments have increased debates over the long-term fiscal sustainability of the Spanish social security system. Pessimistic forecasts show a growing deficit and an increase in the weight of pensions in relation to GDP from 8% in 2005 to 15% in 2050. It is very doubtful that the country will be able to maintain a sufficient employment-population ratio or increase productivity enough to compensate for societal aging under the current system. The progressive loss of purchasing power for pensioners is generating a growing burden among the Spanish population.

Citation:

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

February 2017, Concepció Patxot, Meritxell Solé and Guadalupe Souto: “Should pensions be redistributive? The impact of Spanish reforms on the system’s sustainability and adequacy”  
<http://documentos.fedea.net/pubs/dt/2017/dt2017-02.pdf>

## Integration

Integration Policy  
 Score: 6

Spain ranks 11th out of 38 advanced Western democracies in the latest available edition of the Migrant Integration Policy Index, and is a particularly progressive country regarding the issues of family reunions and permanent residence. Even though the government has taken little action in this area, the Spanish population’s degree of tolerance toward immigrants is striking. In contrast to most comparable EU countries, no relevant xenophobic populist parties exist and violent attacks on immigrant groups are very rare. The underlying cultural tolerance is bolstered by the fact that most immigrants are first-generation, and in the case of Latin Americans, share a common language and cultural links with the native population (Ecuadorians, Colombians and Bolivians represent 25% of the total foreign-born population). Furthermore, many immigrants enjoy dual nationality due to the country’s links with its old colonies. With regard to the Muslim population, Moroccans comprise 20% of Spain’s immigrants, with most well-integrated into Spanish society.

Nevertheless, there is no active immigration policy with the objective of integrating asylum seekers into Spanish society. Furthermore, illegal immigrants are frequently housed in prisons due to a lack of room at the Foreigner Internment Centers (Centros de Internamiento de Extranjeros). Although the Spanish government supported the EU system for the reallocation of refugees, the number of refugees accepted by Spain during 2017 has been very low.

Citation:

June 2017, Salvador Llaudes: "Reasons to be proud"

[https://elpais.com/elpais/2017/06/27/inenglish/1498560440\\_80\\_5094.html](https://elpais.com/elpais/2017/06/27/inenglish/1498560440_80_5094.html)

Migrant Integration Policy Index (2015)

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

### Safe Living

Safe Living  
Conditions  
Score: 7

In terms of homicides, Spain is the safest country among Western nations with more than 3 million inhabitants. Compared with other OECD and European countries, Spain performs quite satisfactorily in protecting citizens against security risks and public confidence in the police force is high. The official data shows that violent crimes rate is one of the lowest in the world, although the figures are somewhat higher for assaults or muggings. As the terrorist attacks in Barcelona in 2017 have demonstrated, the government of Spain and its citizens are a principal target of Islamic extremism. Although the share of police officers per capita is among the highest in the world and the Spanish intelligence and police communities have demonstrated their capabilities in fighting terrorism, poor coordination mechanisms among the police forces at the local, regional, and national level as well as politicized intergovernmental relations reduce the efficiency of the system.

The law on public safety (Organic Law 4/2015) approved in 2015 continues to be controversial since first trials based on this legal framework started in 2017. 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.

Citation:

August 2017, New York Times: "Van Hits Pedestrians in Deadly Barcelona Terror Attack"

<https://www.nytimes.com/2017/08/17/world/europe/barcelona-cat-alunya-van.html>

September 2016, Carmen González Enríquez and José Pablo Martínez Romera: "Sistema de Indicadores de la Distancia entre Imagen y Realidad (SIDIR)" [http://www.realinstitutoelcano.org/wps/portal/web/riecano\\_es/contenido?WCM\\_GLOBAL\\_CONTEXT=/elcano/elcano\\_es/zonas\\_es/gonzalez-enriquez-martinez-romera-sistema-indicadores-distancia-imagen-realidad-sidir-caso-esp-anol-3ed-2016](http://www.realinstitutoelcano.org/wps/portal/web/riecano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/gonzalez-enriquez-martinez-romera-sistema-indicadores-distancia-imagen-realidad-sidir-caso-esp-anol-3ed-2016)



### Global Inequalities

Global Social  
Policy  
Score: 5

Budget cuts severely restricted the funding available for policies and instruments designed to enhance Spain's influence abroad; development cooperation suffered, as did more general contributions to global public goods. Since 2009, the country's official development aid (ODA) budget has declined by 70%. Currently, Spain gives just 0.21% of its GDP (2017) to official development assistance. In November 2016, the Spanish parliament approved a non-binding resolution to increase ODA to 0.40% of GDP in 2020. Since 2011, the focus of Spanish international action has been more business-oriented. As a consequence, less political attention has been given to development and fewer contributions have been made to global public goods. In 2017, the multiannual Cooperation Director Plan (2013 – 2016) was still the basic planning element of Spanish cooperation policy seeking to improve the coherence of development cooperation with other policies (e.g., trade), fostering specialization and better aligning the country's efforts with other EU member states' development strategies.

Citation:

Donor Tracker: Spain

<http://donortracker.org/country/spain>

March 2017, Marca España: "Sustainable development, central to the new Spanish Cooperation Plan"

<http://marcaespana.es/en/news/we-are/sustainable-development-central-to-new-spanish-cooperation-plan>

## III. Environmental Policies

### Environment

Environmental  
Policy  
Score: 5

Spain enjoys exceptionally diverse natural habitats; however, government policy has not provided sufficient safeguards regarding sustainability and general environmental quality. Concerning climate, a report released by the international NGO WWF shows a decrease in greenhouse-gas emissions since 2008. During 2017, the new Spanish government was still drawing up a bill on climate change and energy transition.

More worrisomely, the Spanish government has aggressively rolled back economic incentives for renewable energy development since 2011, while in 2015, the Ministry of Industry and Energy announced new fees on consumers

who use batteries to store electric power produced by their own solar panels. After Iberdrola announced in 2017 the closure of its last coal plants, the Spanish government declared it might attempt to keep them open. Decisions such as these have jeopardized Spain's previous leadership role with regard to solar power and wind energy. As the country is extremely dependent on external energy supplies, government strategy during the period under review was aimed at encouraging energy savings through a pricing policy. Air quality remains a big problem in big capitals such as Madrid and Barcelona, but local governments in both cities say to be determined to reduce pollution. Regarding water resources, Spain was one of the few EU member states to delay completion of its river-basin management plans and the European Commission has recently taken the country to the EU Court of Justice for not properly treating waste water. In terms of protecting natural resources and biodiversity, the assessment is mixed. On the one hand, the reform of the Sea Coast Law (Ley de Costas) in 2013 deregulated some coastal activities which will likely lead to the resumption of coastal construction projects. On the other hand, the recent expansion of the network of national parks continued the trend of improving safeguards for wildlife ecosystems.

Citation:

April 2017, NPR: "In Madrid, A Plan To Fight Pollution By Shifting Away From Diesel-Run Cars"  
<https://www.npr.org/sections/parallels/2017/04/06/522587216/in-madrid-a-plan-to-fight-pollution-by-shifting-away-from-diesel-run-cars>

May 2017, Clar F. and Álvarez R.: "Private Vehicle and Greenhouse Gas Emissions in Spain: A War Without Winner."  
[https://link.springer.com/chapter/10.1007/978-3-319-54984-2\\_7](https://link.springer.com/chapter/10.1007/978-3-319-54984-2_7)

May 2017, Speech by President of the Government at inauguration of Workshop on future Climate Change and Energy Transition Act <http://www.lamoncloa.gob.es/lang/en/presidente/intervenciones/Paginas/2017/20170525-speech.aspx>

October 2017, Climate Score Card: "Strategies for Strengthening Country Pledges to the Paris Agreement"  
<http://climatescorecard.org/wp-content/uploads/2017/10/ClimateScoreCardReport14.pdf>

## Global Environmental Protection

Global  
 Environmental  
 Policy  
 Score: 6

Spain is formally committed to existing international conventions seeking to preserve natural resources. During the review period, Spain supported some foreign projects (such as wind farms in developing countries and emissions-trading projects) aimed at helping the country comply with the Kyoto Protocol and reducing national CO<sub>2</sub> emissions so as to meet its obligations. According to a 2017 European Environment Agency report, Spain may shelve its energy and climate-mitigation targets. In part because of the long interim political situation, Spain ratified the Paris Agreement on climate change in February 2017.

During the review period, the Spanish government did not actively contribute to international efforts to design and advance global environmental-protection regimes. In fact, Spain's past efforts in renewable-energy development might have been wasted. Since 2012, the government has demonstrated little domestic initiative, and has not acted as an agenda-setter within international frameworks. The Ministry of Foreign Affairs and Cooperation does not work closely with the Spanish Climate Change Office. The only notable external leadership has been Spain's cultivation of the Ibero-American Network of Climate Change Offices (RIOCC), building on historical ties with Latin America. During the Bonn Climate Summit (COP 23) in November 2017, the Spanish Minister for Agriculture and Fisheries, Food and Environmental Affairs, accompanied by ministers and delegation leaders from the RIOCC, presented a declaration of support for the Paris Agreement.

Citation:

November 2017, EEA Report: "Trends and projections in Europe 2017 Tracking progress toward Europe's climate and energy targets" <https://www.eea.europa.eu/themes/climate/trends-and-projections-in-europe/trends-and-projections-in-europe-2017/index>

February 2017, "Spanish ratification of the Paris Agreement published in the BOE"

<https://www.energynews.es/english/spanish-ratification-of-the-paris-agreement-published-in-the-boe/>

# Quality of Democracy

## Electoral Processes

Candidacy  
Procedures  
Score: 9

Spain's legal and administrative regulations for validating party lists and candidacies (basically, Organic Law 5/1985 on the electoral regime and Organic Law 6/2002 on parties) is fair and flexible. This was demonstrated in the elections of 2015 and 2016 when new parties, such as Podemos and Ciudadanos, participated for the first time in the general elections with each winning one-third of seats in the parliament. To participate, parties and coalitions must simply present a series of documents to the Register of Political Parties at the Ministry of Interior. Virtually every Spanish adult is eligible to run for public office. Non-Spanish EU citizens are eligible to run in local and European Parliament elections. In local elections, non-EU citizens whose countries reciprocally allow Spaniards to be candidates are also eligible. Legislation on gender parity (Organic Law 3/2007) requires party electoral lists to have a balanced gender representation, with each sex accounting for at least 40% of the total number of candidates. Fair and nondiscriminatory registration is protected by a number of guarantees overseen both by the electoral administration and the courts, including the Constitutional Court through a fast-track procedure. The only restrictions on candidacies contained in the electoral law apply to specific public figures (the royal family, some public officials, judges, police officers and members of the military) and those who have been convicted of a crime. In the 2000s, legislation was passed making it possible to declare parties illegal if they were "irrefutably" deemed to be associated with conduct "incompatible with democracy, prejudicial to constitutional values, democracy and human rights" (a provision introduced to suspend parties directly or indirectly connected with ETA terrorism in the Basque Autonomous Community).

Citation:

August 2016, The Washington Post: "Pro-independence Basque leader\*s election candidacy blocked"  
[https://www.washingtonpost.com/world/europe/pro-independence-basque-leaders-election-candidacy-blocked/2016/08/24/4d6345d0-69ec-11-e6-91cb-ecb5418830e9\\_story.html](https://www.washingtonpost.com/world/europe/pro-independence-basque-leaders-election-candidacy-blocked/2016/08/24/4d6345d0-69ec-11-e6-91cb-ecb5418830e9_story.html)

July 2016, The Economist: "Revolution cancelled"

<http://www.economist.com/news/europe/21701516-another-cent-re-right-government-weaker-one-revolution-cancelled>

Media Access  
Score: 8

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

Regarding private media, a reform of the electoral law in 2011 extended the aforementioned system of proportional news coverage during the electoral period to privately owned television stations. Apart from this special regulation for campaigns, empirical work shows a significant connection between media and parties with the same political orientation. For parties not represented in parliament and which therefore have no legal guarantee to broadcast time, the situation is more difficult. They must rely on the internet and small direct digital TV channels.

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

Citation:

Diciembre 2016, Laura Teruel Rodríguez: "Del Politainment a las redes sociales: ¿Ha servido a los políticos españoles participar del infotainment?"

<https://riuma.uma.es/xmlui/bitstr>

[eam/handle/10630/12574/Art%C3%ADcul](https://riuma.uma.es/xmlui/bitstream/handle/10630/12574/Art%C3%ADcul)

[o%20politainment%20valencia%20DEF.p df?sequence=1](https://riuma.uma.es/xmlui/bitstream/handle/10630/12574/Art%C3%ADculo%20politainment%20valencia%20DEF.p%20df?sequence=1)

Voting and  
Registrations  
Rights  
Score: 9

Every Spanish citizen 18 years and over has the right to vote. The extent to which this suffrage can be exercised is absolute, and apart from minor errors, no discrimination or any other significant exclusion has existed in recent elections. Only those suffering specific mental disabilities or who have been judged guilty in certain criminal cases (always by a court) may lose their political rights. All citizens are automatically included in the electoral register (Censo Electoral), which is as a rule updated correctly. Adequate opportunities for casting an advance ballot are also provided in case of illness, absence or simple incapacity to attend the polling station on the day of election. The turnout rate has on average been somewhat more than 70% since 1977, though the last election (26 June 2016) had a turnout rate of 66.5%. The only two notable problems are related to immigration and emigration. The 5 million foreigners who live in Spain are not entitled to vote in national elections and

naturalization is not easy even for foreign residents of long standing. However, this restriction is common to all advanced democracies. EU citizens can vote in local and European Parliament elections and non-EU citizens are entitled to cast ballots in local elections if their home countries reciprocally allow Spaniards to vote.

Regarding Spanish emigration, citizens living overseas may face onerous red tape that discourages participation in elections, as well as occasional technical failures in the administrative work of consular departments. Although 90% of the some two million Spaniards abroad are registered in the CERA (the electoral census of emigrants), a legal change passed in 2011 (Ley Orgánica 2/2011) with the declared aim of preventing fraud, made the voting procedure more complicated. As a result, turnout rates among Spanish expatriates are now extremely low (under 5%), and parties have discussed reopening the 2011 reform. Some emigrants' associations claim these restrictions were politically motivated under a government that fears a surge in protest votes among young emigrants who have left the country in search of a job.

Citation:

May 2017, eldiario.es: "El Congreso empieza a revisar el voto rogado, que ha dejado la participación de emigrados bajo mínimos."

[http://www.eldiario.es/ sociedad/Congreso-empieza-revisar-p- participacion-emigrados\\_0\\_642886083.html](http://www.eldiario.es/ sociedad/Congreso-empieza-revisar-p- participacion-emigrados_0_642886083.html)

Party Financing  
Score: 5

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

Under the current rules, political parties are deemed private associations with a mixed revenue system. They are assigned funds from the public budget in proportion to their parliamentary representation but can also collect private money from individuals (including the largely insignificant membership fees) and corporations. The new law imposes spending thresholds in electoral campaigns, and the contributions made by businesses are at least in theory subject to limits and conditions (e.g., anonymous donations are forbidden, and companies that supply goods or services to the state cannot contribute to campaigns). The Audit Office (Tribunal de Cuentas) is the body charged with auditing the parties' accounts but has no capacity to control them effectively. On the one hand, this office suffers from a lack of political independence as its

members are appointed by the parties themselves. On the other, it lacks staff resources and suffers delays in the publication of audit reports.

Citation:

Ley Orgánica 3/2015:

[www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-3441](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-3441)

Popular Decision-Making  
Score: 5

Two modes of popular decision-making (apart from representative elections) enable Spain's citizens to express their political opinions on key issues directly. The first mode is the popular legislative initiative (iniciativa legislativa popular), which enables the public to put a measure in front of the legislature. However, this is limited due to the high number of signatures required, as well as other political and legal obstacles such the fact that initiatives are not allowed on matters concerning fundamental rights, the state's institutional structure, taxation, international affairs or the prerogative of pardon. Historically, even when the 500,000-signature threshold has been reached, the huge majority of those initiatives have been dismissed by the Board of the Congress of Deputies. All proposals awaiting approval in 2015 were either rejected or expired at the end of the year.

The second means of popular decision-making relates to the option of submitting political decisions of special importance to all citizens in a referendum. However, Spaniards have been asked to vote in only two national referendums since democratization (the latest one to ratify the failed EU Constitutional Treaty in 2005). The constitution was approved in a referendum in 1978 and any in-depth constitutional reform must be submitted for ratification by referendum. In addition to this, some referendums to approve or reform the Statutes of Autonomy have taken place in regions with devolved powers. The refusal since 2012 to consult the population in Catalonia on its relationship with Spain within the legal framework of the constitution, has generated a major political crisis. Some Autonomous Communities and local entities have opened the way for consultative (i.e., non-binding) referendums or consultative procedures in the pre-legislative process within the legal framework of the Spanish constitution. These subnational open-government initiatives represent direct-communication channels between the public and various levels of government and have been used in several administrations during 2017.

Citation:

Decide Madrid:

<https://decide.madrid.es/?locale=en>

September 2017, The Economist: "Why the referendum on Catalan independence is illegal."

<https://www.economist.com/blogs/economist-explains/2017/09/economist-explains-17>

### Access to Information

Media Freedom  
Score: 7

After 2012, when the government in power during the review period passed a decree reducing the autonomy of the Radiotelevisión Española (RTVE), the public broadcasting group lost some of its political neutrality. However, it would be unfair to regard the national television station as a simple government tool, as in the period prior to the early 2000s, when manipulation was almost systemic. The Radio Nacional de España (RNE), the main national public radio station, has also been criticized for a loss of impartiality and credibility. However, the situation has changed under the new multiparty scenario. All parties (including the PP) agreed to appoint the next RTVE president on a consensus basis following the 2016 elections. The debate on the new president of RTVE, however, was one major domestic issue during 2017 which was not resolved.

The situation with regard to regional public-broadcast groups is probably worse, with incumbent governments openly promoting their partisan political objectives. This has long been the case in Andalusia and in Madrid but is also observable in other regions such as Catalonia, where the public broadcasting corporation used to be far more pluralistic. However, since 2012, it has openly supported the pro-secession views of the nationalist regional government.

With regard to private broadcasting operations, media groups are of course formally independent, but the parties in office (at both the national and regional levels) have traditionally sought to support those newspapers, radio and television stations ideologically closest to them (through regulation of the audiovisual sector or with generous subsidies). However, some important private television networks have actively promoted the emergence of Podemos, the new anti-establishment party, through the provision of very considerable airtime (see “Media Access”).

Citation:

September 2017, RTVE.es: “El Congreso da luz verde a la nueva Ley de RTVE con el acuerdo de PSOE, Podemos y Ciudadanos.”

<http://www.rtve.es/noticias/20170921/congreso-da-luz-verde-a-la-nueva-ley-rtve-acuerdo-psoe-podemos-ciudadanos/1621280.shtml>

Freedom House, Freedom of the Press 2016 report.

Media Pluralism  
Score: 7

In terms of media demand, citizens have become more interested in politics during this era of crisis as they seek solutions to ongoing problems. However, economic adversity also limits participatory resources. The empirical evidence shows that the two processes – a stronger motivation to acquire knowledge, but fewer resources to do so – are running somewhat in parallel. Even if print media show reduced sales, the Spanish population’s growing access to the



internet (with a penetration rate of approximately 75%) and the widespread use of social networks have encouraged the proliferation of electronic newspapers and independent blogs that counterbalance oligopolistic trends and guarantee that certain opinions can be expressed in public debate. The largest newspaper is the very influential center-left El País. Other nationwide newspapers include the center-right El Mundo and the conservative ABC, published by the Vocento Group, which also owns many local newspapers in the Basque Autonomous Community and other regions. In Catalonia, the moderate nationalist La Vanguardia is the market leader. There is no print newspaper that represents genuinely left-leaning ideas, but progressive digital publications such as publico.es and eldiario.es have enjoyed considerable growth. There are also significant liberal and conservative digital media such as elconfidencial.com and the new elespanol.com. The country's most-read information websites are the electronic versions of print newspapers. With regard to television, the Italian company Mediaset is the leading group in the country (owning the most-viewed TV channel, Telecinco, as well as Cuatro and other minor channels). This is followed by Atresmedia Corporación (including both the right-wing Antena 3 and the more leftist channel La Sexta). Mediaset España and Atresmedia controlled 85% of the Spanish TV ad market in 2017. In addition, there is the public broadcaster Televisión Española as well as regional public-television networks and small private stations.

The radio market is dominated by the center-left SER station followed by the center-right Onda Cero, the Cadena Cope (that belongs to the Catholic Church) and the publicly owned Radio Nacional de España (RNE). The limited pluralism of public channels and some private channels hampers informed public opinion.

Citation:

Febrero-marzo 2017, Audiencia de Internet en el EGM

<http://www.aimec.es/a1mc-c0nt3 nt/uploads/2017/05/internet117.pdf>

Media Pluralism Monitor 2016 Monitoring Risks for Media Pluralism in the EU and Beyond, Country report: Spain

[http://cadmus.eui.eu/bitstream/handle/1814/46812/Cover\\_Spain\\_re v2EN.pdf?sequence=1&isAllowed=y](http://cadmus.eui.eu/bitstream/handle/1814/46812/Cover_Spain_re v2EN.pdf?sequence=1&isAllowed=y)

Access to  
Government.  
Information  
Score: 6

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

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

Citation:

access-info,

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

June 2017, Access Info: "Spanish Government takes open government secrecy battle to High Court."

<https://www.access-info.org/article/28951>

### Civil Rights and Political Liberties

Civil Rights  
Score: 7

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

The new law also introduces civil-rights guarantees and makes some timid progress on racial profiling by police in the course of carrying out searches in public spaces. Under the new regulation, police searches must be carried out by a member of the same sex as the person being searched and can only be conducted for the purpose of preventing or investigating a crime. People who fail to supply ID can be taken to a police station only in order to prevent a crime or if they have already committed a misdemeanor.

State institutions generally respect and protect civil rights; the rights guaranteed by the constitution and in ordinary legislation are enforced, even if some infringements occur in practice (e.g., concerning illegal immigrants). Separately, the systematic delays and lack of adequate resources (both human and technological) in the Spanish courts are factors that serve to undermine the effective protection of fundamental rights to some degree. Over the long term, the inability to address the conflict in Catalonia politically may have strained human rights protections in Spain, being interpreted by some in Catalonia as an abusive interpretation of the rule of law.

## Citation:

February 2017, El País: "Facebook user faces €30,000 fine for posting video of policeman online"  
[https://elpais.com/elpais/2017/02/17/inenglish/1487338337\\_48\\_5063.html](https://elpais.com/elpais/2017/02/17/inenglish/1487338337_48_5063.html)

## Political Liberties

Score: 8

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

## Citation:

Freedom House: Freedom in the World, Spain 2017  
<https://freedomhouse.org/report/freedom-world/2017/spain>

The Economist Intelligence Unit's Democracy Index  
<https://www.eiu.com/topic/democracy-index>

## Non-discrimination

Score: 7

Any discrimination based on birth, race, sex, religion, opinion or any other personal or social condition or circumstance is forbidden in Spain (according to the constitution and all important international and European treaties signed by Spain that are relevant to counteracting marginalization). In addition, any individual, whether a national citizen or not, can invoke a special expedited procedure in the courts asking the state to protect him or her against any form of discrimination. As a result, cases of explicit discrimination are extremely rare. The Ministry of Health, Social Services and Equality, the ombudsperson, and several 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 concerning women, the elderly, persons with disabilities, and ethnic and linguistic minorities. For example, there remain significant wage differences between men and women, and few women sit on the boards of companies. The recent approval of equal parental leave for fathers may prove a positive development.

Though there are instances of discrimination toward Muslim immigrants and

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

Citation:

June 2017, Chatham House: “The Future of Europe: Comparing Public and Elite Attitudes

<https://reader.chathamhouse.org/future-europe-comparing-public-and-elite-attitudes#>

European Commission, Special Eurobarometer 437: “Discrimination in the EU in 2015”

[http://www.equineteurope.org /IMG/pdf/ebs\\_437\\_en.pdf](http://www.equineteurope.org /IMG/pdf/ebs_437_en.pdf)

### Rule of Law

Legal Certainty  
Score: 8

The general administrative procedure in Spain is consistent and uniform, assuring regularity in the functioning of all administrative levels. During 2015, a new piece of legislation (Ley 39/2015, del Procedimiento Administrativo Común de las Administraciones Públicas) was passed with the aim of modernizing basic administrative law and improving legal certainty. In theory, this principle holds across the Spanish public sector, but it is also true that citizens and the business sector sometimes complain about unpredictable decisions. At the political level, for example, some policy reversals have undermined Spanish credibility among foreign investors (e.g., the government’s changes in taxation and the decision to cut the regulated revenue rates received by renewable-energy generators). Within the administrative bureaucracy, however, there is still some scope for discretion and less transparency than what one might infer from the formal provisions (see “Access to Government Information”). Furthermore, even if the executive acts on the basis of and in accordance with the law, strict legal interpretations may in fact produce some inefficiency in certain aspects of the administration. This can be observed in the rigid system of personnel recruitment; working methods that depend on clear departmental command rather than flexible cross-organization teams; a preference for formal hierarchy rather than skills

when making decisions; and the reliance on procedure regardless of output effectiveness, for example. This prevailing legalistic approach also serves to perpetuate abuses in some cases, since citizens are generally reluctant to appeal administrative acts in the courts as a consequence of the high costs and long delays associated with this process.

Within the Catalonia crisis, the government focused exclusively on the legal and constitutional framework to defend its point of view, failing to consider any political initiative other than lawsuits against the secessionists. Judicial action in the case of Catalonia has generated some confusion and legal uncertainty.

Citation:

Ley 39/2015, del Procedimiento Administrativo Común de las Administraciones Públicas  
[www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-10565](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565)

Judicial Review  
Score: 7

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

Today, two important factors undermine the efficacy of judicial review in Spain. The first is the lack of adequate resources within the court system. The high number of convictions imposed by the European Court of Human Rights for violating the right to a fair trial point to systematic problems in the Spanish justice system that must be addressed by public authorities. The Executive Opinion Survey published by the World Economic Forum and similar opinion polls show that most Spanish respondents find the judicial system to be too slow. The second problem is the difficulty some judges appear to experience in reconciling their own ideological biases (mostly conservative, given their generally upper-middle-class social origins) with a condition of effective independence; this may hinder the judiciary's mandate to serve as a legal and politically neutral check on government actions. The situation in Catalonia may have put the independence of the judiciary to the test. Several judges at various levels have been implicated and the Constitutional Court has endorsed their decisions.

Citation:

April 2017, European Commission: “2017 EU Justice Scoreboard”  
[http://ec.europa.eu/justice/effective-justice/scoreboard/index\\_en.htm](http://ec.europa.eu/justice/effective-justice/scoreboard/index_en.htm)

Appointment of  
Justices  
Score: 7

Appointments to the Spanish Constitutional Court (Tribunal Constitucional, TC), the organ of last resort regarding the protection of fundamental rights and conflicts regarding institutional design, take place through a politicized and typically long process. Selecting and appointing a successor to a justice who had died in April 2015 proved impossible during the review period as a result of the politicized nature of the appointment process and the presence of a caretaker government. Appointments to the Supreme Court – the highest court in Spain for all legal issues except for constitutional matters – can also lead to political maneuvering.

The Supreme Court consists of five different specialized chambers, and all its members (around 90 in total) are appointed by the CGPJ, requiring a majority of three-fifths. The 20 members of this body (judges, lawyers, and other experienced jurists), which is the governing authority of the judiciary, are themselves appointed to five-year terms by the Congress of Deputies and Senate and require a three-fifths supermajority vote to be seated. Under current regulations, appointments to both the TC and the CGPJ formally require special majorities. However, the fact that the various three-fifths majorities needed can be reached only through extra-parliamentary agreements between the major parties has not led to cooperative negotiations to identify the best candidates regarding judicial talent. During the period under review, a “progressive” judicial association criticized the political bias of some Supreme Court appointments promoted by the conservative-leaning president of the CGPJ. The problem lies not so much in the nomination of the judges of the high courts, but in their corporate culture and in the protection against pressures on their behavior.

Jueces para la Democracia: “Comunicado en relación con nombramientos para órganos técnicos del CGPJ”  
<http://juecesparalademocracia.blogspot.be/2016/11/comunicado-en-relacion-con.html>  
 April 2014, Pablo Oñate and Juan Rodríguez-Teruel: “The political recruitment to the Spanish Constitutional Court (1980-2014)”  
[http://www.academia.edu/8418599/Recruitment\\_of\\_Spanish\\_Constitutional\\_Court\\_Members](http://www.academia.edu/8418599/Recruitment_of_Spanish_Constitutional_Court_Members)

Corruption  
Prevention  
Score: 7

Corruption levels have declined in Spain since the real-estate bubble burst in the wake of the 2008 crisis. Massive spending cuts since that time have also arguably helped bring down corruption levels. Nonetheless, perceived corruption levels and Spain’s position in international indices such as Transparency International’s CPI have worsened since the early 2000s. Spain was ranked at 20th place worldwide at the beginning of last decade, but has fallen to 42nd place in 2017. This can be attributed to the fact that cases currently moving through the legal system are based on past events and

activities that are now receiving considerable media attention.

Recent trials and public debate on corruption increased awareness among the public. The PP minority government survived a vote of no-confidence in June 2017 brought to parliament by Podemos to denounce rampant corruption. Also, President Rajoy was obliged to testify as a witness in a corruption case in August.

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

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

During 2017, the parliamentary Committee for the Auditing of Democratic Quality, created in 2016, initiated a series of public hearings aimed at gathering the knowledge of Spanish and foreign experts on the financing of political parties. As of November 2017, the committee has held 28 hearings and begun drafting its report. The Law 9/2017 (Contratos del Sector Público) on public procurement was approved in November. In addition, the Directive 2014/23/EU of 26 February, concerning application thresholds for the procedures for awarding contracts, was implemented into Spanish law. These new legal frameworks will come into force on 9 March 2018 and aim to achieve greater transparency in public procurement.

Citation:

Transparency International, 2017, Global Corruption Barometer  
[https://www.transparency.org/news/feature/global\\_corruption\\_barometer\\_citizens\\_voices\\_from\\_around\\_the\\_world](https://www.transparency.org/news/feature/global_corruption_barometer_citizens_voices_from_around_the_world)  
August 2016, Pacto anticorrupción PP-Ciudadanos [http://estaticos.elmundo.es/documentos/2016/08/19/pactoa\\_anticorrupcion.pdf](http://estaticos.elmundo.es/documentos/2016/08/19/pactoa_anticorrupcion.pdf)  
GRECO, 2017, V. Fifth Evaluation Round, <https://www.coe.int/en/web/greco/evaluations#%22359946%3A%5B%5D>

# Governance

## I. Executive Capacity

### Strategic Capacity

Strategic  
Planning  
Score: 6

The idea of reinforcing long-term thinking and smarter policymaking has drawn increasing political attention in Spain during the crisis. Several key areas that had not been subject to multiyear plans before the 2000s, including economic policy (structural reforms), security and external action, are now addressed through strategic documents that receive annual evaluations. Sectoral strategies have been published or announced in the areas of pensions system, human rights, and international development cooperation. The government's central strategic-planning units have been strengthened accordingly. The Prime Minister's Economic Office – which, among other functions, has been responsible for the National Reform Program under the Europe 2020 Strategy – has clearly become more powerful. Recently, a new Department of National Security was created within the Prime Minister's Office (PMO), tasked with developing the country's National Security Strategy. The political instability of the minority government in power since 2016 has undermined the government's strategic-planning capacities.

Citation:

European Commission: "Spain – National Reform Programme 2017"

<https://ec.europa.eu/info/sites/info/files/2017-european-semester-national-reform-programme-spain-es.pdf>

Scholarly Advice  
Score: 6

Spanish policymaking is not strongly characterized by the involvement of independent researchers either in the executive branch or in the legislature (see "Summoning Experts"). There is no formalized and systematic connection between the government and external thinking. Policymakers do not rely on specialists for advice on matters of political strategy, although university scholars, think tank analysts and practitioners are often consulted by ministries on legal, economic, welfare and international issues – particularly at the beginning of any legislative process to prepare the draft bill and to assess its impact. The deep political and economic crisis may also have facilitated the



Spanish government's willingness to ask for external advice when engaged in institutional redesign (e.g., two panels of experts were created in recent years to advise the Popular Party government in its pension- and university-system reforms). Some recent trends, such as the emergence of several think tanks, may over time strengthen the influence of external experts. Also, the parliamentary committee tasked with studying Spain's current territorial model and preparing a report for a constitutional reform will organize numerous hearings with experts.

Citation:

2014, Independent expert group: "ERAC Peer Review of the Spanish Research and Innovation System"

<http://www.mineco.gob.es/s>

tfls/MICINN/Prensa/FICHEROS/2014/14

0801\_final\_report\_public\_version.pdf

### Interministerial Coordination

GO Expertise  
Score: 8

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

Citation:

Funciones del Ministerio de la Presidencia y para las Administraciones Territoriales

<http://www.mpr.gob.es/mpr/funciones/Paginas/funciones.a.spx>

GO Gatekeeping  
Score: 9

Materials earmarked for cabinet meetings (usually draft bills or appointments of top officials) are not frequently returned, but the Government Office (Ministerio de la Presidencia, GO) can do so, citing either formal or substantive considerations. The Prime Minister's Office (PMO) does not have the official mandate to return items on policy grounds but, given its political weight within the core executive, does so nonetheless.

The head of the GO (who is also the deputy prime minister), since 2011 Soraya Sáenz de Santamaría, can reject initiatives either in her political or legal position as chairperson of the committee that prepares Council of Ministers meetings (the Comisión General de Subsecretarios y Secretarios de Estado). The directors of the prime minister's Private Office and the Economic Office can de facto return items, but only by taking advantage of their proximity to the prime minister.

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

A legal reform of the new general administrative procedure passed in October 2015 introduced the so-called Annual Normative Plan, along with the idea of "better regulation" as a guiding principle for Spanish lawmaking. The Royal Decree 286/2017, which regulates the Annual Normative Plan, reinforced the GO's role as a central gatekeeper able to monitor whether sectoral ministries sending legal proposals to the cabinet meeting have respected formal and policy considerations and that new proposals are compatible with previous plans.

Citation:

Real Decreto 286/2017, de 24 de marzo, por el que se regulan el Plan Anual Normativo y el Informe Anual de Evaluación Normativa de la Administración General del Estado y se crea la Junta de Planificación y Evaluación Normativa  
[https://www.boe.es/diari\\_o\\_boe/txt.php?id=BOE-A-2017-3415](https://www.boe.es/diari_o_boe/txt.php?id=BOE-A-2017-3415)

Line Ministries  
Score: 8

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

The process is firmly institutionalized and takes place weekly, since representatives of all ministries gather at the cabinet meeting preparatory committee (Comisión General de Subsecretarios y Secretarios de Estado), which is held every Wednesday and chaired by the GO head and the deputy prime minister. Advisers from the PMO also participate in this committee and in the important specialized ministerial committee on economic affairs (see “Cabinet Committees”) that also assists the Council of Ministers. However, even if the primary joint role of the GO and the PMO is horizontal coordination, their administrative resources are limited, and the deputy prime minister and prime minister’s advisers cannot be briefed on the whole range of government activity. Therefore, they normally focus on each ministerial department’s most important sectoral developments, as well as the prime minister’s particular interests.

Citation:

Ley 39/2015, del Procedimiento Administrativo Común de las Administraciones Públicas  
[www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-10565](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565)

Cabinet  
 Committees  
 Score: 9

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

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

Citation:

Real Decreto 385/2013, de 31 de mayo, de modificación del Real Decreto 1886/2011, de 30 de diciembre, por el que se establecen las Comisiones Delegadas del Gobierno  
[https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2013-5771](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2013-5771)

Ministerial  
Bureaucracy  
Score: 7

The two most important senior bureaucratic positions in the 13 ministries are the secretaries of state, who play a role much like that of junior ministers in other European countries, but do not belong to the government in Spain; and the undersecretaries, who are career civil servants that typically act as department administrators. These figures meet every Wednesday in the so-called General Committee of Undersecretaries and Secretaries of State. This committee effectively prepares the Council of Ministers weekly sessions, which are held two days later, on Fridays. The Government Office (directed by a minister who is also the deputy prime minister), chairs the meetings of this preparatory committee in which all draft bills, all appointments and any other ministerial proposals are discussed and scheduled as a part of the Council of Ministers' agenda. A provisional agenda (known as the "black index") is published by the GO a week before the cabinet meeting. The GO also collects and circulates all relevant documents for discussion by the line ministers. On Tuesday mornings, senior Prime Minister's Office (PMO) officials assess the relative importance of agenda items on the black index and identify where there are likely to be divergent positions. Thus, the Wednesday meetings of the preparatory committee perform an important gatekeeping function in returning problematic proposals to the appropriate line ministry and forwarding the remaining proposals to the Council of Ministers (now classified into two indexes: the green index, which covers ongoing administrative matters, and the red index, for issues which are more controversial either by nature or because a lack of ministerial consensus).

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

Citation:

Ley 50/1997, de 27 de noviembre, del Gobierno

[http://noticias.juridicas.com/base\\_datos/Admin/150-1997.t1.html](http://noticias.juridicas.com/base_datos/Admin/150-1997.t1.html)

Informal  
Coordination  
Score: 7

The relative weakness of formal coordination among ministry civil servants in Spain (see “Ministerial Bureaucracy”) is to some extent compensated for by helpful informal procedures. When administrative coordination is needed because interministerial problems are real and cannot be solved by the non-effective existing committees or by invoking vertical hierarchy, informal contacts, or meetings between officials of the various ministries involved are organized. Many policy proposals can in fact be coordinated in this fashion (ad hoc working groups are rare but may also be created). As Spanish senior civil servants are clustered into different specialized bureaucratic corps, informal mechanisms rely often on the fact that officials involved in the coordination may belong to the same corps or share a network of old colleagues. Nevertheless, the existence of specialized corps tends to aggravate Spanish administrative fragmentation, since every corps tends to control a department according to its specialization. Within the cabinet, these informal mechanisms are less necessary, since the stable Spanish experience of single-party governments with strong prime ministers has up to this point required less coordination than would coalition cabinets. However, informal coordination procedures do exist, with exchanges of views and occasional or urgent meetings of an inner core of ministers politically close to Prime Minister Mariano Rajoy.

#### Evidence-based Instruments

RIA Application  
Score: 5

The law on the common administrative procedure, passed in October 2015, includes a promising provision (indeed, an entire chapter) devoted to ensuring that lawmaking in the future will take place in accordance with the principles of “smart regulation” and “better regulation.” This development, which is based on OECD recommendations, seeks to guarantee that the administration engages in systematic planning before laws are drafted, while creating a more sophisticated RIA process and producing regulations that are proportional to the political goal and more congruent with other laws. However, though the chances of applying RIAs may be improving in Spain, to date there has been little concern for the quality of legislation (apart from purely formal legalistic issues that are monitored by the Council of State).

Citation:

Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas.  
[www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-10565](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565)

Quality of RIA  
Process  
Score: 4

RIA analyses in Spain are quite new (see “RIA Application”), and their use to date has largely been focused on administrative simplification and better-regulation programs. The gradual introduction of RIAs since 2009 has resulted

in a general template (reinforced by the new law on the common administrative procedure passed in October 2015), which is to be applied across content areas. This emphasizes that draft legislation must address economic and budgetary considerations as well as any other relevant aspects of impact (such as environmental impact, gender-equality concerns, and any possible effects on disabled people).

This process has not been very successful in eliciting participation by stakeholders (through consultation or collaboration, transparent communication of results to the public, or the effective and regular evaluation of assessments by an independent body). In some instances, RIA procedures have been efficiently used; in others, it seems to have been merely a formal requirement fulfilled by the department preparing the bill.

Citation:

August 2017, Cinco Días: “Aeval y su muerte anunciada”

[https://cincodias.elpais.com/cincodias/2017/08/04/midinerol/1501857354\\_174399.html](https://cincodias.elpais.com/cincodias/2017/08/04/midinerol/1501857354_174399.html)

Sustainability  
Check  
Score: 4

RIA analyses were only timidly introduced in Spain in 2009, and the process as implemented up to this point has not included systematic sustainability checks using an exhaustive set of indicators considering the short- to long-term effects of regulatory change. However, a piece of new legislation on the reform of the Spanish general administrative procedure (passed in October 2015) included new sustainability-related improvements that have not been yet developed. Under the terms of this new law (Law 39/2015), the executive – in principle through the Government Office (Ministerio de la Presidencia) – will centralize the task of checking whether new bills prepared by the rest of ministries and agencies fulfilled various criteria from a procedural point of view (quality of the proposed regulation, congruence with other laws, participation of stakeholders, compliance with EU law). Articles 129 and 130 of the new law mandate a systematic process ensuring the substantive congruence of all policy proposals being prepared. This would basically ensure that sufficient planning and effective RIA had been carried out by the sectoral ministry proposing the new legislation, and that an evaluation procedure was included. Despite this recently introduced improvement, Spain lacks a formal sustainability strategy other than the National Reform Plan and the Stability Program associated with European economic-governance obligations. The Royal Decree 931/2017, issued 27 October 2017, may improve regulatory impact analyses concentrating on the economic, social and environmental consequences of new legislation.

Citation:

Real Decreto 931/2017, de 27 de octubre, por el que se regula la Memoria del Análisis de Impacto Normativo.

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

### Societal Consultation

Negotiating  
 Public Support  
 Score: 5

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

Beyond this, line ministries still tend to consult with the economic and social actors important in their various policy areas, both private (especially businesses associations and the Catholic Church) and public (other ministries, autonomous regions, parties), in the course of making decisions. The extent and success of this consultation in preparing policy initiatives depends on the particular sector and the personality of the minister. In some cases, consultation and exchange of views is institutionalized through advisory bodies, although there are policy areas in which the traditionally good relations with societal actors have today been badly damaged (e.g., with NGOs involved in international development assistance, as a result of massive foreign-aid budget cuts).

Citation:  
 September 2016, El Mundo: "Méndez de Vigo se reúne con padres, profesores y alumnos para buscar un Pacto de Estado por la Educación  
<http://www.elmundo.es/so-ciedad/2016/09/18/57de591b46163f29518b4572.html>

### Policy Communication

Coherent  
 Communication  
 Score: 7

The government's sparse communications have led to a phenomenon in which many PP supporters had little understanding of many of the measures undertaken by the government they voted into power (particularly with regard to austerity measures and tax increases). Moreover, the government's crisis management regarding Catalonia was not accompanied by a thoughtful communication strategy. However, during the review period, the government party announced a new approach in which it would "be closer and communicate more with Spaniards." At the administrative level, in 2016 the role of coordinating ministries' messages was moved from Deputy Prime Minister Soraya Sáenz de Santamaría to the new spokesperson, Íñigo Méndez de Vigo. Nevertheless, at a time when Spain was undergoing the worst constitutional crisis in recent history, the spokesperson served in parallel as

Minister of Education and Culture. The communication office and the spokesperson try to conduct coherent communication planning and ministries tend to align their statements and press releases with government strategy. Though they do issue contradictory statements from time to time, most messages are factually coherent with the government's plans.

Citation:

May 2015, El País: "In rare press conference, Rajoy blames poor election showing on failure to communicate" [http://elpais.com/elpais/2015/05/26/inenglish/1432626773\\_688913.html](http://elpais.com/elpais/2015/05/26/inenglish/1432626773_688913.html)

September 2017, El País: "Alarmed by foreign coverage of Catalan referendum, Spain steps up communication campaign"

[https://elpais.com/elpais/2017/09/18/inenglish/1505721046\\_162413.html](https://elpais.com/elpais/2017/09/18/inenglish/1505721046_162413.html)

### Implementation

Government  
Efficiency  
Score: 6

The Spanish government has not set a system of benchmarks to evaluate its own performance but has been relatively successful in the implementation of major policy objectives. Two main obstacles stand in the way of the government more easily realizing its declared objectives: first, weak mechanisms of coordination with the 17 Autonomous Communities (which are responsible for many policy areas) and second, ministerial fragmentation. The latter often sees line ministries more oriented toward their individual departmental or bureaucratic interests than toward the government's strategic objectives.

However, thanks to the significant constitutional and political resources at their disposal, the prime minister and core executive gradually built up their internal executive power between 1982 and 2015. This ultimately created conditions under which a coherent set of major objectives can be developed and policy priorities successfully achieved at the national level. The government has also gained power and autonomy as a result of the country's EU membership. However, the current minority government's lack of political support and growing interparty competition among the center-right parties could complicate the legislative negotiation process for the government's policy priorities, especially regarding the approval of the budget.

Since secessionist Catalan members of parliament voted to establish an independent republic in October, the Spanish government has taken control of Catalonia, dissolved its parliament and announced new elections for December 2017. The Spanish senate granted Rajoy unprecedented powers to impose direct rule on Catalonia under article 155 of the constitution.

Citation:

October 2017, The Guardian: "Spain dissolves Catalan parliament and calls fresh elections"

<https://www.theguardian.com/world/2017/oct/27/spanish-pm-mariano-rajoy-asks-senate-powers-dismiss-catalonia-president>



Ministerial  
Compliance  
Score: 8

All prime ministers since the restoration of democracy have presided over single-party governments – Spain being the only EU country aside from Malta in which there has not been any experience with coalitions at the central-government level. Since the 2016 elections, no coalitions have been formed; rather, all ministries are chaired by PP party members or persons close to the party. Thus, Mariano Rajoy is free to reorganize government structures and dismiss ministers he does not consider able or willing to implement the government's program. Due to this, Rajoy has the capacity to impose his views on the Council of Ministers, in addition to chair party meetings.

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

Monitoring  
Ministries  
Score: 7

The activities of all line ministries are monitored by the Spanish Prime Minister's Office (PMO), the Government Office (GO, Ministerio de la Presidencia), and ultimately the Council of Ministers. The PMO oversees the flow of political and sectoral information and keeps the prime minister abreast of the activities of all line ministries. The head of the Prime Minister's Economic Office has also coordinated the important weekly meeting of the government's Delegate Committee for Economic Affairs since 2012.

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

Monitoring  
Agencies,  
Bureaucracies  
Score: 7

Citation:

Funciones del Ministerio de la Presidencia y para las Administraciones Territoriales  
<http://www.mpr.gob.es/mpr/funciones/Paginas/funciones.aspx>

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

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

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

Citation:

October 2016, Quarterly report on the follow-up of CORA Public Administration Reform  
[http://www.sefp.minhfp.gob.es/dam/es/web/areas/reforma\\_aapp/actuaciones-informes/proceso/CORA-Informe-trimestral-de-seguimiento-Junio-2016.pdf](http://www.sefp.minhfp.gob.es/dam/es/web/areas/reforma_aapp/actuaciones-informes/proceso/CORA-Informe-trimestral-de-seguimiento-Junio-2016.pdf)  
Inventario de Entes del Sector Público Estatal, Autonómico y Local  
<http://www.minhfp.gob.es/es-ES/CDI/Paginas/Inventario/Inventario.aspx>

Task Funding  
Score: 6

Spain has a very decentralized political and administrative structure, with 17 Autonomous Communities controlling over a third of public spending, including services such as health care and education. The system has also been occasionally associated with deficiencies in the process by which tasks are

delegated to regions without adequate funding sources. The Autonomous Communities enjoy some power to raise revenue to counterbalance this insufficiency of funding, but the revenue from these taxes is very low. In the context of the deep economic crisis and austerity that have characterized Spain in recent years, public-spending cuts and reinforced central control of the regional accounts have led to criticism of the central government for deliberately shifting unfunded mandates to the regions. As a result, some regions have been incapable of adequately fulfilling their delegated tasks without help. In 2016, the central government reiterated tough budget-deficit targets for the regions, even though the EU had decided to loosen fiscal targets for the country as a whole. In addition, the period under review was deeply affected by the earlier enactment of Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations. Under this legislation, regional governments must now approve an expenditure ceiling in keeping with a stability target and expenditure rule. The debate over the criteria through which solidarity funding for regions and territories is allocated continues to be intense, with richer regions seeking a profound revision of the general funding system. Catalonia's bid for independence has been partly 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 program providing inexpensive liquidity to the regions. This remained in force in 2017. The program includes the general Regional Liquidity Fund (FLA). Most regions depend on these funds in order to service their debt and spending policies, since rating agencies have downgraded their credit ratings to so-called junk status, making it very difficult to obtain alternative funding.

Citation:

June 2017, Reuters: "Spain tells Catalonia will cut off funds if used for referendum"

<https://www.reuters.com/article/us-spain-politics-catalonia-funds/spain-tells-catalonia-will-cut-off-funds-if-used-for-referendum-idUSKBN1A61WP>

Constitutional  
Discretion  
Score: 5

Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations imposes austerity conditions and debt targets on all public administrative bodies. With this legislation, the central government is – despite formally respecting Autonomous Communities' constitutional autonomy – de facto narrowing their scope of spending autonomy. Organic Law 2/2012 had primarily been intended to appease potential bond buyers, but the central government also took advantage of this situation to politically weaken the regions. Some regions (particularly Catalonia) have tried to protect themselves from what they deem excessive central control. One of the effects of the law has been the paralysis of initiatives, especially at the municipal and regional levels.

## Citation:

November 2017, El País: “Montoro interviene las cuentas del Ayuntamiento de Madrid para que ajuste el gasto”

[https://elpais.com/ccaa/2017/11/07/madrid/1510051221\\_630892.html](https://elpais.com/ccaa/2017/11/07/madrid/1510051221_630892.html)

National  
Standards  
Score: 5

The central government has in principle always been committed to ensuring uniform national standards for public services, but this has never been completely effective. In some cases, regional governments design and implement their own public policies without following clearly defined national standards. As a result, there may be some variation in the quality of public services offered by Spain’s regions. In general, minimum standards are set by basic national legislation, but are not subsequently enforced. The formal administrative method for monitoring the provision of services by the Autonomous Communities through supervision (Alta Inspección) has not been particularly effective. However, new regulations on financial sustainability within public administration and local governments have strengthened the tools through which the central government can ensure that regional and local governments realize national minimum standards. One example was the health care reform, which focused on a services portfolio of the National Health System. The central government tried to ensure that the decentralized provision of public health services comply with standards set on the national level. The 2016 political impasse has limited progress on education reforms. The future of the 2013 Organic Law for Improvement of the Quality of Education (LOMCE), which contains an external evaluation system based on learning standards set at the national level, is unclear and remains on hold. Overall, inequalities between regions have not diminished.

### 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. 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. Since the beginning of the eighties, cooperation between the central government and

subnational governments has been progressively assumed by sectoral conferences (Conferencias Sectoriales). Sectoral conferences are multilateral cooperation bodies between the central government and subnational governments for specific policy sectors (e.g., health and environment). Each sectoral conference established a specific framework for cooperation among the administrative levels, though with a very weak organizational structure. If sectoral conferences will be convened and which topics will be discussed depends on decisions taken by the central government. Since the senate does not function as forum for the participation of the subnational governments and the sectoral conferences are mainly informal, the Autonomous Communities do not participate in matters that directly affect them nor have a veto right in central institutions.

Citation:

Real Decreto 768/2017, de 28 de julio, por el que se desarrolla la estructura orgánica básica del Ministerio de Asuntos Exteriores y de Cooperación y se modifica el Real Decreto 424/2016, de 11 de noviembre, por el que se establece la estructura orgánica básica de los departamentos ministeriales.

[https://www.boe.es/ diario\\_boe/txt.php?id=BOE-A-2017-90](https://www.boe.es/ diario_boe/txt.php?id=BOE-A-2017-90) 11

International  
Coordination  
Score: 7

In 2017, Spain completed its two-year mandate as a non-permanent member of the United Nations Security Council (UNSC). In addition to a general UNSC role, Spain chaired the Iran and North Korea sanctions committees, as well as the Committee on the Non-proliferation of Weapons of Mass Destruction. Apart from its UNSC membership, Spain continues to participate in other international efforts to provide global public goods (e.g., financial stability, economic development, security, environment, education, and governance) as one of the leading EU member states, and as a permanent guest at the G-20 summits. It has also contributed to international forums and actions responding to challenges such as climate change (Paris summit), energy supply, illegal migration (in part through bilateral agreements in Northern Africa), global terrorism, and peacekeeping (with Spanish troops deployed as a part of U.N., NATO and EU missions in Lebanon, Sahel, the Horn of Africa waters and the Baltic region). In 2017, Spain assumed the UN Human Rights Council for the 2018 to 2020 term. However, Spanish governments have done little to ensure that the impact of national policies on global issues has been systematically assessed and incorporated into the formulation, coordination, and monitoring of internal policies across governments. Spain's government has also played only a very small role in addressing the refugee crisis. In March 2017, the four large euro zone countries – Germany, France, Italy and Spain – met in Versailles to discuss their next moves toward greater integration. The presence of the prime minister, Mariano Rajoy, after a long period of absence in the “directory” of the European Union, was seen as a turning point – meaning that Spain was overcoming the crisis image. Nevertheless, so far, the Spanish government has not delivered specific proposals regarding the future of the integration process.

Citation:

October 2017, Agencia EFE: "Spain gets seat on UN Human Rights Council"

<https://www.efe.com/efe/english/world/spain-gets-seat-on-un-human-rights-council/50000262-3409912>

### Organizational Reform

Self-monitoring  
Score: 5

The Spanish prime minister has the power (both constitutionally and politically) to reformulate the institutional organization of the government. Without any legal constraint, he personally decides on the structure of portfolios and other governing arrangements every time he appoints new ministers. Although Prime Minister Rajoy introduced alterations in ministries' names and jurisdictions after 2016, he did so without a prior impact assessment. The division of the previously unified departments of Economy and Finance (whose minister traditionally enjoyed the status of deputy prime minister) into two different and less powerful ministries has been criticized since 2012, but Rajoy did not reverse this decision.

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

Citation:

Ley 39/2015, del Procedimiento Administrativo Común de las Administraciones Públicas  
[www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-10565](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10565)

Institutional  
Reform  
Score: 7

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

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

attention to the government's strategic capacity to make and implement political decisions. Over the past years the central government and subnational governments were incapable of taking the necessary institutional reforms to prepare the country for future challenges.

Citation:

Rajoy's new Cabinet (2016):

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

## II. Executive Accountability

### Citizens' Participatory Competence

Policy  
Knowledge  
Score: 6

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

Citation:

CIS Survey 3191 (Barometer) October 2017

[http://www.cis.es/cis/export/sites/default/-Archivos/Marginales/3180\\_3199/3191/es3191mar.pdf](http://www.cis.es/cis/export/sites/default/-Archivos/Marginales/3180_3199/3191/es3191mar.pdf)

### Legislative Actors' Resources

Parliamentary  
Resources  
Score: 6

Every parliamentary group is assigned funds to hire personnel, with the size of budgets dependent on the party's electoral results. Individual legislators lack even a single exclusive assistant, as the small number of staff members is shared across the parliamentary group (typically with an assistant for every two deputies or senators). Economic resources for the commission of policy research, whether performed internally or externally, are also very scarce.

There are no real parliamentary research units. The emergence of Podemos and Ciudadanos has livened things up somewhat but not introduced real changes.

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

Citation:

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

Obtaining  
Documents  
Score: 8

The information and documentation requested from the government must be made available within a period not exceeding 30 days and in the manner most suitable to the applicant. If this is not done, "the legally justified reasons preventing the supply of such information" must be provided. This legal margin allows the government to avoid delivering some important documents (e.g., 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.

Citation:

November 2017, Europa Press: "La Audiencia Nacional rechaza enviar documentos a la comisión sobre financiación del PP"

<http://www.europapress.es/nacional/noticia-gurtel-audiencia-nacional-rechaza-enviar-documentos-comision-financiacion-pp-20171129140500.html>

Summoning  
Ministers  
Score: 9

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. At least 70 deputies or one-fifth of the members of a committee need to make the request. The request is subject to a vote in the Bureau of Congress and the Board of Spokesmen, and the party



supporting the government, which is always disciplined and easily able to obtain a majority of votes, may reject some of the requirements made by the opposition. If the initiatives are approved, ministers are obliged to answer questions raised in these sessions. Ministers are regularly summoned by the committees overseeing their policy areas (see “Task Area Congruence”) and it is quite common for ministers themselves to request to be allowed to report on matters relating to their respective departments. In 2017, the mechanism of summoning ministers has been frequently exercised.

Citation:

March 2017, Comparecencia del Ministro en la Comisión Mixta Congreso Senado para la UE.  
[http://www.exteriores.gob.es/Portal/es/SalaDePrensa/ComparecenciasParlamentarias/Documents/20170329\\_COMPARECENCIA.pdf](http://www.exteriores.gob.es/Portal/es/SalaDePrensa/ComparecenciasParlamentarias/Documents/20170329_COMPARECENCIA.pdf)

Summoning  
Experts  
Score: 8

The standing orders of the Congress of Deputies and the Senate state that parliamentary committees may request, through their respective speakers, “the attendance of persons competent in the subject-matter for the purposes of reporting to and advising the committee.” The rights of parliamentary committees to send invitations to independent experts are not limited by any legal constraint. Requests to summon experts have increased in number in recent years, particularly at the beginning of the legislative process or in specialized subcommittees, but this is still a rare practice. The limited nature of the Spanish parliament’s staffing and financial resources prevents systematic involvement in the lawmaking process by university scholars, think tank analysts and other experts. According to the Congress’ website, fewer than 100 experts were summoned during 2015 by the 28 standing committees and the several subcommittees. The parliamentary committee tasked with studying Spain’s current territorial model will organize numerous hearings with experts.

Citation:

November 2017, El País: “Solo Podemos niega en el Congreso la injerencia de Moscú en la crisis catalana”  
[https://politica.elpais.com/politica/2017/11/23/actualidad/1511464360\\_611345.html](https://politica.elpais.com/politica/2017/11/23/actualidad/1511464360_611345.html)

Task Area  
Congruence  
Score: 7

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

functions its name denotes, monitors the activities of the Government Office (Ministerio de la Presidencia, GO).

Citation:

Índice de Comisiones en Funcionamiento, XII Legislatura  
[www.congreso.es/portal/page/portal/Congreso/Congreso/Organos/Comision](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Organos/Comision)

Audit Office  
 Score: 6

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

Citation:

Report Peer Review Tribunal de Cuentas of Spain  
[http://www.tcu.es/export/sites/default/content/pdf/transparencia/Report\\_PR\\_2015\\_06\\_23-fim-en.pdf](http://www.tcu.es/export/sites/default/content/pdf/transparencia/Report_PR_2015_06_23-fim-en.pdf)

Ombuds Office  
 Score: 7

Article 54 of the Spanish constitution regulates the Office of the Ombudsman (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 ombudsman is elected by both houses of parliament for a five-year period (thus avoiding coinciding with the legislative term of four years) by a qualified majority of three-fifths. The office is not subjected to any imperative mandate, does not receive instructions from any authority, and performs its functions autonomously. The officeholder is granted immunity and inviolability during his or her time in the post.

Almost 75% of the recommendations made by Spain's Ombudsman are accepted by the public administration. However, its advocacy role is slightly limited by two factors: 1) a lack of resources, and 2) inadequate departmental

collaboration during the investigation stage or during implementation of the recommendations. Since 2017, there is only an acting Ombudsperson, since political parties could not agree on the person who should be in charge of the Ombuds office.

Citation:

Informe enero-junio 2016

[https://www.defensordelpueblo.es/wp-content/uploads/2016/07/Avance\\_informe\\_anual\\_enero\\_junio\\_2016.pdf](https://www.defensordelpueblo.es/wp-content/uploads/2016/07/Avance_informe_anual_enero_junio_2016.pdf)

## Media

Media Reporting  
Score: 7

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

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

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

Citation:

Noviembre 2017, Evolución de audiencia OJD de eldiario.es <https://www.ojdinteractiva.es/medios-digitales/eldiario-evolucion-audiencia/totales/anual/3896/trafico-global/>

### Parties and Interest Associations

Intra-party  
Democracy  
Score: 6

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

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

Finally, both Podemos and Ciudadanos present themselves as more internally democratic than the PP and the PSOE, insofar as they formally allow all party

members and supporters to participate in personnel and program decisions. However, despite the rhetoric in these two new parties, closed party leaderships were able to fully control the most important decisions in 2016, including the appointment of their charismatic leaders (Pablo Iglesias and Albert Rivera, respectively) to serve as prime-ministerial candidates.

Citation:

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

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

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

Association  
Competence  
(Business)  
Score: 8

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

Citation:

October 2017, Círculo de Empresarios: "Informe CCAA"

<https://circulodeempresarios.org/app/uploads/2017/10/Informe-CCA-A-octubre-2017-Circulo-de-Empresarios.pdf>

September 2017, Florentino Felgueroso (Fedea) et al: "Recent trends in the use of temporary contracts in Spain"

<http://documentos.fedea.net/pubs/eee/eee2017-25.pdf>

Association  
Competence  
(Others)  
Score: 8

Non-economic interest associations have always been relatively weak in Spain, and it has been difficult for them to influence political decision-making with relevant policy proposals. Furthermore, the lack of a strong, organized civil society is a disincentive for the government to take these associations' views into account during policy formulation (since the process would become much more complex, without necessarily adding social legitimacy as a

compensation). Thus, there is no virtuous circle encouraging social, environmental and religious groups to improve their policy competence. Even the strong Catholic Church lacks a research unit capable of formulating policies, although it remains influential on education and moral issues. Leading environmental groups (e.g., Ecologistas en Acción or Greenpeace España) and some NGOs devoted to human rights (such as Amnesty International) or development aid (Intermón Oxfam and other Spanish groups that benefited from the larger budgets in this area in the late 2000s) have gained technical competence, and increasingly rely on academic expertise and specialized publications to influence public opinion and policymakers within their areas of interest. Women's associations are weak as autonomous organizations, but influential within the political parties (especially in the PSOE). The LGBT movement has successfully defended homosexuals' rights.

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

Citation:

November 2017, Ecologistas en Acción: "Caminar sobre el abismo de los límites"

[https://docs.google.com/viewer?url=https://www.ecologistasenaccion.org/IMG/pdf/informe\\_abismo-limites.pdf](https://docs.google.com/viewer?url=https://www.ecologistasenaccion.org/IMG/pdf/informe_abismo-limites.pdf)

September 2015, Societat Civil Catalana: "Dèficits de qualitat democràtica a Catalunya"

<http://www.societatcivillcatalana.cat/sites/default/files/docs/Deficits-qualitat-democratica-Catalunya%20.pdf>

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