



# Spain Report

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## Sustainable Governance Indicators 2019

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## Executive Summary

A long social and economic crisis (2008-2013), including several corruption scandals, has eroded the legitimacy of and public trust in Spain's political system. This in sum has had a remarkable impact on the party system, particularly after the 2015 and 2016 elections. In addition to the two traditional forces, the conservative Popular Party (PP) and the Socialist Party (PSOE), the left-wing Podemos and the liberal Ciudadanos have emerged, and are now crucial for the formation of majorities in the parliament. Since a grand coalition between the two traditional parties is highly unlikely, the new parties are key as possible partners for (or for striking confidence and supply agreements with) minority governments. A wider choice of political alternatives may be considered as a positive development, but its cost has been the loss of reformist momentum. In addition, the new far-right Vox party is also gaining popularity as a consequence of the Spanish nationalist wave that emerged in reaction to Catalonia's secession bid in late 2017.

In May 2018, a high court found the PP government party guilty of having profited from an illegal kickbacks-for-contracts scheme. As a consequence of this conviction, the opposition entered a no-confidence vote against Prime Minister Mariano Rajoy, who was ousted and subsequently replaced as head of government by the socialist leader Pedro Sánchez. Since that time, the new government – drawing on the support of less than 25% of the deputies – has depended on support from Podemos, the Basque nationalists, and to some extent the Catalan secessionist parties. The new executive was skillfully presented in the media, effectively conveying a picture of political change, but it is obvious that it has little maneuvering room with which to implement deep policy changes.

Given its very weak support in parliament, the new minority government renounced ambitious policy reforms, and instead focused on announcements and symbolic measures aimed at appealing to progressive voters in the run-up to new snap elections. In June 2018, Spain's parliament approved the long-delayed annual budget for 2018; this had been drafted by the PP, but was later adopted by the PSOE, which lacked a majority with which to prepare an alternative budget. This underlined the instability of the new government. At the end of the period under review, its parliamentary weakness had become very visible and new elections were called for April 2019.

The Catalan crisis also dominated the political debate during 2018. The sharply divided regional parliament declared a rather symbolic independence in October 2017, thus leading the national Senate to activate Article 155 of the constitution. This suspended the operations of regional institutions, imposing direct national rule until fresh elections could produce a new regional government. After a tense electoral campaign – in which several candidates had been held in custody since November 2017, while others fled the country – the pro-Catalan independence parties won a new slim majority of parliamentary seats, without attaining a popular-vote majority (47.5%). On 2 June 2018, hardliner separatist Quim Torra took office as Catalan president; this was the same day that Prime Minister Sánchez was sworn into his new role. This reshuffled constellation of actors seemed to open a (small) window of opportunity for dialogue. In fact, Sanchez tried to find political alternatives to manage the conflict respecting the Catalan statute and the constitution. However, the fierce opposition from PP and the Ciudadanos to this dialogue, significant conflicts among and within the pro-independence political parties, and the impending trial of the secessionist leaders have all increased tensions and make a solution very unlikely in the short term.

In contrast to this turbulent political panorama, economic growth has been strong and balanced in 2018. The European Commission raised its 2018 GDP growth forecast for Spain from 2.5% to 2.6%. However, growth rates are expected to slow in 2019 (with 2.1% forecast), which is worrisome given the size of the country's public debt burden. Other economic indicators show that competitiveness gains have continued to support exports. However, the contribution of net exports to growth is declining, and recovery has also been driven by domestic demand. Moreover, average incomes remain lower than before the crisis, and bank lending remains limited. Unemployment rates are still very high, at 15% of the labor force at the time of writing, with a forecast of 14% in 2019.

The future of pensions was another important issue on the political agenda during 2018. The effects of the crisis and increasing life expectancies have reopened the debate on the future of the social-security system. Spain's social-security fund has shrunk from €66 billion at its peak to just €8 billion at the end of 2017. Although the new government announced a significant reform of the tax system in order to increase revenues, Spain continues to collect less in taxes relative to wealth than most other European countries, making ambitious education, welfare and environmental policies difficult.

## Key Challenges

After having implemented structural reforms during the past five years, and having achieved a path of solid economic growth, the Spanish government indicated that it wanted to make its voice heard at the EU level. Here, it was taking advantage of the pro-European stance of Spanish public opinion, along with the leadership gap left by Brexit and the euroskeptic governments in Italy and Poland. Prime Minister Sánchez participated proactively in the migration debate, and supported French President Macron's plan to strengthen the euro zone.

Although the new socialist government seems to have very limited maneuvering room for policy reforms due to its parliamentary weakness, its initial measures and declared priorities all highlighted the main challenges at the domestic level.

On the fiscal front, the gap between new policy measures and tax receipts will oblige Spain to collect more revenues. The new government confirmed that it would increase annual tax collections from 38% to 42% of GDP; however, the tax system also needs to increase its efficiency and reduce the incidence of tax evasion.

In order to improve the economy's competitiveness, the government must place greater emphasis on innovation and education. Although the unemployment and youth-unemployment rates have declined somewhat, the government must develop and implement job-creation policies.

Maintaining social cohesion has itself become a critical challenge. There is a near-term risk that spending cuts in education, inclusion and family policies may increase social tensions. The government has recognized the need to act in the social field, but budgetary constraints limit the scope afforded to active policymaking. The most visible challenge to the welfare system is the aging of the population, along with the pressure this is already exerting on the sustainability of the health care system and the viability of the pension system. Most social policies fall under the responsibilities of the autonomous regions. In this sense, the funding system for regional competences needs to be reformed so that the subnational governments have sufficient resources to address their responsibilities.

Spain's geographical location strongly exposes it to global challenges such as desertification and climate change. The recently created Ministry for the Ecological Transition aims to lead an energy transition towards more ecologically sound means of production.

Regarding political stability, the single-party minority government will require allies for most legislative initiatives. This means the PSOE must strike compromises with other parties in the parliament on most issues. In today's polarized political climate, this will be a significant challenge. Moreover the situation in Catalonia endangers political stability. Although there have been signs of a better understanding, political positions remain very distant.

## Party Polarization

Traditionally, Spain's national party system has been dominated by the simple competition between the social-democratic Spanish Socialist Workers Party (PSOE) and the conservative People's Party (PP). The bipolar left-right competition led to a majoritarian and confrontational style of democracy, but as major parties tended to win an absolute parliamentary majority after each national election, polarization was no more than a minor obstacle with regard to policymaking. However, a number of factors including economic crisis, several corruption scandals and the prevailing lack of popular trust in the two mainstream traditional parties have produced a newly fragmented and even more polarized party system. At the same time, the conflict in Catalonia has exacerbated polarization within Catalonia and in the entire country to a very great extent.

Since 2014, the leftist Podemos party and the liberal Ciudadanos have entered the national arena, the moderate nationalist Catalan forces have collapsed, and an emergent far-right party, Vox, gained popularity during the course of 2018. There are currently five political parties polling 10 percent or more in Spain, while the strong divide between left and right has made it quite difficult to form governments and obtain parliamentary majorities.

The wider choice of political alternatives is a healthy change, but has come at the cost of a loss of reformist momentum. Moreover, it has proved to be a significant obstacle to cross-party agreement in policymaking. According to recent studies, the increasing political polarization not only affects political conflict and the electoral arena, but may constitute a fundamental element in the erosion of social cohesion. (Score: 5)

## Citation:

Sergio Martini and Mariano Torcal (2016). "Trust across political conflicts: evidence from a survey experiment in divided societies". Party Politics, pp. 1-14. DOI: 10.1177 / 1354068816685933

Junio 2018, La Vanguardia, "La polarización política deteriora las relaciones familiares", <https://www.lavanguardia.com/vida/20180601/443973666264/plarizacion-politica-impacto-relaciones-familiares.html>

# Policy Performance

## I. Economic Policies

### Economy

Economic Policy  
Score: 8

Spain's economic expansion continued in 2018, showing a 2.7% growth rate, higher than the other four large EU member states and the rest of southern Europe (aside from the tiny Mediterranean islands of Malta and Cyprus). This means that the recovery that began in 2014 has remained robust for five years in a row, above the euro zone average. Growth was driven by strong private consumption, equipment investment and the positive contribution of net exports to growth. However, the rise in oil prices since spring 2018 is expected to have a negative impact on domestic demand. Other factors that supported growth, such as the improvement in financial conditions, will have less impact in the near future, and growth is expected to decline to an annual rate of 2.4% in 2019.

However, average household incomes remain lower than before the crisis, the public deficit is high, inequality is severe, and unemployment rates, while decreasing, remain at a very high level (15% of the labor force in 2018).

Tourism is an important sector for the economy, with a significant impact on the country's economic growth and employment. In the first half of 2018, Spain was on track to set a new record for foreign visitors. However, in July 2018 Spain saw its largest fall in visitor numbers in eight years. A total of 4.9% fewer tourists vacationed in the country in July than during the same period in 2017, mainly due to a decline in British and German visitors, and the competitiveness of other Mediterranean countries.

Citation:

OECD (2018), Interim Economic Outlook 2018

<http://www.oecd.org/eco/outlook/>

August 2018, El País, Could Spain's thriving tourism industry be coming to a standstill?[https://elpais.com/elpais/2018/08/30/inenglish/1535624618\\_272508.html](https://elpais.com/elpais/2018/08/30/inenglish/1535624618_272508.html)

## Labor Markets

Labor Market  
Policy  
Score: 7

Though still quite high compared to other OECD countries, Spain's jobless rate fell again during 2018 to 15%, 12 points below an all-time high of 27% five years before. In the first semester of 2018, job recovery was better than expected, with 469,900 jobs created in the second quarter (no three-month period had previously come close to achieving such a figure). Although this progress is positive news (take into account that the average unemployment rate over the past 40 years has been around 16%), most jobs created have been unstable and of inferior quality, as shown by the high temporal increase in unemployment in August 2018 (the biggest since 2011).

The Socialist government that took office in June 2018 lacked the majority needed to introduce changes in a labor-market regulatory regime that has continued to show a number of problems, including: 1) a lack of flexibility, 2) a high share of undeclared work and, 3) a dual labor market that affects young and low-skilled workers particularly strongly. Analysts also point to the existence of several contract modalities, a flawed social dialogue and expensive compulsory social-security contributions. Finally, public-spending cuts implemented in the early 2010s (which have not yet been reversed) reduced the prevalence of active labor-market programs (e.g., training) designed to help the unemployed find work.

Citation:

INE (2018) Economically Active Population Survey:

[https://www.ine.es/dyngs/INEbase/es/operacion.htm?c=Estadistica\\_C&cid=1254736176918&menu=ultiDatos&idp=1254735976595](https://www.ine.es/dyngs/INEbase/es/operacion.htm?c=Estadistica_C&cid=1254736176918&menu=ultiDatos&idp=1254735976595)

## Taxes

Tax Policy  
Score: 5

Spain collects less in taxes relative to wealth than do most other European countries. The tax-to-GDP ratio in Spain increased from 33.2% in 2000 to 34% in 2018, but it is still low when compared with an EU average of 40%. Despite this, the 2018 budget prepared by the conservative Mariano Rajoy government included a tax cut for low-income earners. Notwithstanding this fact, Treasury revenues rose during 2018 thanks to economic growth, wealth creation and the modernization of revenue-collection mechanisms.

The new social-democratic prime minister who took office in June 2018, Pedro Sánchez, declared that his government would increase annual tax collections to 42% of GDP. The measures to be taken, but not yet implemented as of the end of the review period, were to include an increase in



income-tax rates, changes in corporate-tax structures, a new tax on banking and financial transactions, a new tax on the sale of services by technology companies, an increase in tax surcharges on fuel, and an asset-tax increase.

Existing tax policy is difficult to assess with regard to equity and competitiveness. Vertical equity exists in principle, but horizontal equity suffers due to 1) corporate-tax engineering, 2) the prevalence of fraud and 3) the scope of the underground economy. However, one positive sign is that after years of reducing spending on public administration, resources provided to the taxation authorities have been (slightly) increased.

### Budgets

Budgetary Policy  
Score: 7

The budget for 2018 was finally approved in June, after a complex set of political negotiations. It was the third year in a row in which budgetary policy had somewhat softened austerity measures, stretching the timeline of the European Semester budgetary plan. Except for some minor changes, the new socialist government that took office in early June accepted a budget that had been prepared by its conservative predecessor.

Driven by the cyclical improvement of the economy, declining interest expenditures and a slight increase in tax collections, the deficit shrank from 4.5% of GDP in 2016 to 3.1% of GDP in 2017. The 2018 budget forecast a deficit of around 2.7% for the year (although the Bank of Spain warned that it could rise to 2.8%). Despite this reduction, the deficit continues to be higher than in the rest of the European Union's countries. The public-debt-to-GDP ratio (98.1% in 2018) is the sixth-highest in the EU (after Greece, Italy, Portugal, Belgium, and France), and has been only slightly reduced since the worst years of the crisis. Nevertheless, during 2018, Spain's risk premium fell to its lowest level since early 2010.

The draft budget for 2019 (which was ultimately not passed, leading to snap elections in early 2019) included a generous rise in public spending (in the areas of minimum wages, pensions, unemployment benefits, housing, paternity leave and increased investments in education and science) without an equivalent increase in revenues (since the increases that were introduced seemed unlikely to be realized). Thus, it would be premature to conclude that Spanish budgetary policy has reached the point of fiscal sustainability, particularly if the slowdown in economic growth forecast for 2019 is taken into account.

Citation:

EC(2018) Interim Economic Forecast: A solid and lasting expansion: [https://ec.europa.eu/info/business-economy-euro/economic-performance-and-forecasts/economic-forecasts/winter-2018-economic-forecast\\_en](https://ec.europa.eu/info/business-economy-euro/economic-performance-and-forecasts/economic-forecasts/winter-2018-economic-forecast_en)

Ministerio de Hacienda(2018), Presupuestos generales del estado,  
<http://www.hacienda.gob.es/es-ES/Areas%20Tematicas/Presupuestos%20Generales%20del%20Estado/paginas/Presupuestos.aspx>

## Research, Innovation and Infrastructure

R&I Policy  
Score: 6

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 low level of spending on R&D. Investment in R&D accounts in 2018 for just 1.2% of GDP, compared to EU and OECD averages that are above 2%. However, according to the latest report published by Cotec (a Spanish public-private foundation for the promotion of innovation), some positive signs can be identified.

The European Commission's 2018 Innovation Scoreboard stresses that Spain's performance has increased relative to that of 2010 with regard to several indicators, including product, process, marketing and organizational innovation. Human resources, the country's innovation-friendly environment, and its attractive research systems are also strengths underlined by the Commission. However, relative weaknesses remain with regard to finance and innovation support. Spain also came out relatively well in the 2018 Nature Index; here, Spain was the 10th most prolific country worldwide in terms of scientific performance.

The minister for science, innovation, and universities has stressed the need to put R&D back on the political agenda, and in 2018 convened the Council of Universities for the first time since 2011, announcing that it would work intensively to promote internationalization and excellence within the country's R&D ecosystem. The new government also announced that spending on R&D would be increased in 2019 to the levels reached before the crisis.

Citation:  
EC(2018), European Innovation Scoreboard  
[https://ec.europa.eu/growth/industry/innovation/facts-figures/scoreboards\\_en](https://ec.europa.eu/growth/industry/innovation/facts-figures/scoreboards_en)

Cotec(2018), Informe para la innovación  
[http://informecotec.es/media/Informe-Cotec\\_2018\\_versi%C3%B3nweb.pdf](http://informecotec.es/media/Informe-Cotec_2018_versi%C3%B3nweb.pdf)

Nature Index(2018)  
<https://www.natureindex.com/annual-tables/2018/country/all>

## Global Financial System

Stabilizing  
Global Financial  
System  
Score: 7

Though aware of its limitations as only a medium-sized power and indebted economy, Spain behaves as an important partner in international forums and tries to contribute actively to improving the regulation and supervision of financial markets. Spain is a permanent invited guest to G-20 meetings, 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 March 2018, Luis de Guindos was appointed vice president of the ECB. 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

## II. Social Policies

### Education

Education Policy  
Score: 7

Despite the education system's outstanding improvement since the 1980s, Spaniards largely regard educational outcomes within their country as mediocre. In fact, the education system was ranked at only 24th place among OECD countries (based on PISA test results). Reasons for the poor results, although the causes differ strongly across regions, include a curriculum regarded as out of date, poor teaching quality and the large number of students who repeat years. Although early school-leaving rates continue to decrease, figures are still very high.

In 2016, education spending was one point of GDP below the OECD average. However, spending levels vary across the regions (most public spending on education is managed at the subnational level by the autonomous communities' governments). This diversity is the result of differing orientations on education policy, the financial resources available and number of private centers in each region.

The education system continues to experience challenges related to quality and equity. However, the system has been shaped not only by socioeconomic struggles over distribution, but also by conflicts over religious, linguistic-cultural and national identity issues, as well as political factors. In 2018, the

government announced that it would provide universal access to preschool education (0-3 years), and would reverse measures implemented during the hardest austerity years, such as the increase in the teacher-student ratio and the increase in instructors' teaching hours. However, as of the time of writing, funding for these measures had not yet been guaranteed.

Citation:

OECD(2018), Education at a Glance, [https://www.oecd-ilibrary.org/education/education-at-a-glance\\_19991487](https://www.oecd-ilibrary.org/education/education-at-a-glance_19991487)

EC(2018), Education and Training Monitor, 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: 6

Societal exclusion remains a problem for Spain. However, the percentage of the population at risk of poverty and social exclusion has been reduced for the third year running, to 26.6% (29.4% in 2014). It has now reached a level similar to the 2010 figure, according to the Spanish statistical institute INE.

Those at a higher risk of marginalization include immigrants, unemployed youth and elderly people with minimal pensions. According to the OECD, the 2017 child-poverty rate of more than 20% is a particularly serious problem; moreover, Spain has the highest youth-poverty rate in Western Europe. Finally, the share of employed people living under the poverty threshold is also very high. The country was given 24th place in the 2017 Social Justice Index. The high long-term poverty rate, along with the absence of an effective policy to lift people out of poverty, has already had negative effects on social coexistence. Seeking to address this situation in 2018, the government created a High Commissioner for the Fight against Childhood Poverty within the Prime Minister's office.

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. Moreover, the situation is better with regard to areas of discrimination not associated with poverty, particularly regarding LGBTI rights (see "Non-discrimination") and gender equality. Two-thirds of the cabinet ministers have been female since June 2018, and the WPS Index (Georgetown University for Women, Peace and Security) ranks Spain at 5th place out of 153 countries with regard to societal inclusion and security for women.

Citation:

EC (2018), Europe 2020 targets - <https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester/european-semester-your-country/spain/europe-2020-targets-statistics-and-indicators->

spain\_en#poverty-and-social-exclusion

INE (2018), Living Conditions Survey  
[http://www.ine.es/prodyser/espa\\_cifras/2018/index.html](http://www.ine.es/prodyser/espa_cifras/2018/index.html)

Bertelmann Stiftung(2018), Social Justice Index Report  
[https://www.bertelmann-stiftung.de/fileadmin/files/BSSt/Publikationen/GrauePublikationen/NW\\_EU\\_Social\\_Justice\\_Index\\_2017.pdf](https://www.bertelmann-stiftung.de/fileadmin/files/BSSt/Publikationen/GrauePublikationen/NW_EU_Social_Justice_Index_2017.pdf)

## Health

Health Policy  
 Score: 8

The national health care system is highly decentralized, relatively well-thought out, and largely achieves the criteria of quality, inclusiveness and cost efficiency. According to two recent Bloomberg health-related indexes, which examine 169 economies, Spain is now the healthiest country in the world (it placed sixth in the previous edition, published in 2017), while its health system ranks third in terms of efficiency. OECD data also show that Spain has the second-highest life expectancy, after Japan (and is forecast to become first by 2040). Spaniards' self-perceptions of their health status and their national health care system reflect a degree of satisfaction that is quite high in cross-OECD comparison. However, rates of mental illnesses, diabetes and drug consumption are higher than the European averages.

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 most recent reports also emphasize deficiencies related to waiting lists, patient rights and sickness prevention. There is interregional inequality too. The system's sustainability is at risk over the medium and long term, as a consequence of the aging population and the subsequent increase in the incidence of chronic diseases. During 2018, the austerity-era legislation that had excluded undocumented migrants from health coverage was reversed, and the new government invited regional health authorities and civil society representatives to participate an open debate on reform of the system, with the aim of reestablishing universal coverage.

Citation:  
 OECD(2018), Spain Country Profile, <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>

<https://www.bloomberg.com/news/articles/2019-02-24/spain-tops-italy-as-world-s-healthiest-nation-while-u-s-slips>

## Families

Family Policy  
Score: 7

Spain has a very low fertility rate, which is one partial outcome of the timidity of family-support policies and the instability of the labor market. Traditional family patterns (in which mothers focus on household work and child care duties) have changed rapidly in contemporary Spain, but without any explicit family-support policy, traditional gender roles still keep women in unequal positions. There is a wage and pension-value gap of close to 20% between men and women, and unemployment are disproportionately high among women. The slow implementation of programs providing care for dependents has made it difficult for women to free themselves of the burden of family care. However, men can benefit from a statutory paternity leave ranging from 13 days to four weeks. Since 2018, fathers have been eligible for an additional week of paid paternity leave, and the failed 2019 budget included a further increase in this time.

Following a significant rise in the incidence of gender-based violence, and after numerous public protests and demonstrations, Spain's political parties approved in 2017 a five-year action plan intended to tackle gender-based violence. In 2018, a nationwide strike demanding an end to unfair wages and domestic violence was held on the occasion of International Women's Day.

Citation:

July 2018, BNA: Paternity Leave Extended  
<https://www.bna.com/spain-paternity-leave-n73014477429/>

EC (2018), Report on equality

<https://publications.europa.eu/en/publication-detail/-/publication/950dce57-6222-11e8-ab9c-01aa75ed71a1/language-en>

## Pensions

Pension Policy  
Score: 7

Spanish pension policy achieves the goal of poverty prevention, but meets intergenerational-equity and fiscal-sustainability standards to only a moderate degree. The pension system represents the largest single piece of public spending (more than €20 billion), and pensioners maintained their purchasing power during the crisis years. Moreover, whereas the poverty rate among Spain's general population is 26%, the rate among the elderly is only 12%. Thus, the elderly are less economically vulnerable than active but unemployed workers, which demonstrates that the current system does not ensure equity across different generations – that is, pensioners, the active labor force and youth.

The model (with the exception of private pension plans that are publicly subsidized through favorable tax treatment) is based on a pay-as-you-go methodology that relies on current contributors to the insurance system being able to pay the expenses for the current generation of recipients. However, 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 reduced the country's accumulated reserves, with the social-security fund diminishing from €66 billion at its peak to just €8 billion. Consequently, debates over the long-term fiscal sustainability of the social-security system have topped the political agenda. In 2018, several demonstrations by pensioners across Spain added additional urgency to the political debate. Pessimistic forecasts show a growing deficit, with pension-related expenditures forecast to rise from 8% of GDP 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. In the 2013 pension reform, a pension revaluation index was introduced, and beginning in 2019, a sustainability factor was to be added linking the level of state pensions to life expectancy. These changes were intended to help the system achieve sustainability in the long run. However, due to societal pressure, the 2018 budget included a 3% increase in the lowest pensions, and a general revaluation of pensions by 1.6% to compensate for inflation. In 2018, the parliamentary committee on public-pension reform agreed to return to the pre-2013 practice of increasing pensions according to the consumer price index, and to eliminate the sustainability factor (or at least delay its introduction until 2023). To date, it has been impossible to establish a broad political consensus among all political parties for reform of the pension system through the creation of new taxes.

Citation:

Universidad de Extremadura (2018), El incremento de las pensiones contributivas  
<https://www.willistowerswatson.com/es-ES/press/2018/07/el-incremento-de-las-pensiones-contributivas-con-el-ipc-costara-mas-a-cada-cotizante>

## Integration

Integration Policy  
Score: 7

Spain ranks 11th out of 38 Western democracies in the latest available edition of the Migrant Integration Policy Index, and is particularly progressive regarding the issues of family reunions and permanent residence. Even though the government has taken little action in this area, the population's degree of

tolerance toward immigrants is striking. In a survey conducted in June 2018 by CIS, the country's official statistics agency, only 3.5% of Spaniards listed immigration as one of their main concerns. Violent attacks on immigrant groups are very rare, and in contrast to most comparable EU countries, xenophobic populist parties had no representation in the national parliament through the end of the review period (although the new right-wing party Vox, with an anti-immigration dimension in its program, was doing well in the polls). Most immigrants are first-generation, and in the case of Latin Americans, share a common language and cultural links with the native population.

Nevertheless, there is no active policy that has the objective of integrating economic migrants and 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 2018 has been very low. In July 2018, the arrivals of irregular migrants in Spain surpassed those in Italy for the first time. In fact, the situation has already reached a critical point in some regions that clearly exceeds the existing infrastructure capacity.

Citation:

Euronews (2018), Is Spain experiencing an immigration boom?

<https://www.euronews.com/2018/07/31/immigration-debate-flares-up-in-spain-as-migrant-arrivals-shoot-up>

Migrant Integration Policy Index (2015)

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

### Safe Living

Internal Security  
Policy  
Score: 7

Compared with other OECD 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 Madrid in 2004 and Barcelona in 2017 showed, the government of Spain and its citizens are a principal target of jihadist extremism.

Although the share of police officers per capita is among the highest in the world, and the intelligence and police communities have demonstrated their capabilities in terms of 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.



During the Catalan conflict, questions of loyalty and trust in the Catalan regional police force were raised. However, after the application of article 155, the regional police force urged its members to behave in a neutral manner, and to avoid taking sides in the conflict. The law on public safety (Organic Law 4/2015) approved in 2015 continues to be controversial, since the 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 than with increasing the protection of citizens.

Citation:

Kölling(2018), Spain, in Leuprecht, (ed.), Public Security in Federal Politics, University of Toronto Press.

OECD(2018), Better Life Index, <http://www.oecdbetterlifeindex.org/topics/safety/>

### Global Inequalities

Global Social  
Policy  
Score: 6

Budget cuts severely restricted the funding available for policies and instruments designed to enhance Spain's influence abroad. Currently, Spain gives just 0.22% of its GDP (2018) to official development assistance. The conservative Rajoy government approved the 5th multiannual plan for cooperation policy 2018 – 2021 in March 2018. The plan failed to receive the support of the agents involved, mainly due to the lack of budgetary resources and its lack of specific deadlines. As a consequence, Spain has remained at the bottom of the international donor community.

With the change of government, this issue has been given greater political priority. A new coordinating cross-cutting structure for the entire public administration (the High Commissioner for the 2030 Agenda) was created within the Prime Minister's Office. Prime Minister Pedro Sánchez defended multilateralism and diversity in his first speech in front of the UN General Assembly in September 2018, supporting international action on behalf of the Sustainable Developments Goals and the Global Compact for Safe, Orderly and Regular Migration. However these gestures have yet to be supported with increased resources and more ambitious policies.

Citation:

Donor Tracker: Spain

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

Government of Spain(2018), La cooperación española. - <http://www.cooperacionespanola.es/es/v-plan-director-2018-2021>

### III. Environmental Policies

#### Environment

Environmental  
Policy  
Score: 5

Spain enjoys exceptionally diverse natural habitats; however, government policy has not provided sufficient safeguards regarding sustainability or general environmental quality in recent years. In 2018, new Prime Minister Pedro Sanchez merged environment and energy policies into a single ministry “for the ecological transition,” underlining his government’s commitment to environmental sustainability. However, Spain’s anti-climate-change efforts remain insufficient, with country slated to reach a series of intermediate goals that seem today seem unattainable under the current legislation and tools available. A new law on climate change and energy transition was under discussion at the end of 2018, which would set a 2030 emissions target at 20% below 1990 levels, and promote renewables.

As the country is extremely dependent on external energy supplies, government strategy during the period under review was also aimed at encouraging energy savings. Iberdrola, the country’s largest energy company, announced the closure of its last coal plants in 2017, and the new government, revising its predecessor’s opposition, said it would not block the decommissioning of coal-fired plants. Air quality remains a big problem in big capitals such as Madrid and Barcelona, but local governments in both cities have approved measures to reduce pollution. In terms of protecting natural resources and biodiversity, the country has a mixed record.

Citation:

October 2018, El Pais: “Why Spain is failing to meet EU climate targets”-  
[https://elpais.com/elpais/2018/07/10/inenglish/1531208963\\_491007.html](https://elpais.com/elpais/2018/07/10/inenglish/1531208963_491007.html)

June 2018, El Pais: “Pollution has killed 93,000 people in Spain”  
[https://elpais.com/elpais/2018/06/22/inenglish/1529657491\\_406807.html](https://elpais.com/elpais/2018/06/22/inenglish/1529657491_406807.html)

#### Global Environmental Protection

Global  
Environmental  
Policy  
Score: 7

Spain is committed to existing multilateral environmental protection regimes (including the Paris Agreement on climate change, and the 2030 Agenda with its 17 Sustainable Development Goals). During the period under review, the Spanish government supported the efforts of the COP 24 climate summit, and reinforced its intention to preserve the global environment, including through

the creation of a High Commissioner for the 2030 Agenda with horizontal competences across the entire public administration. The Spanish government also supported several foreign projects (such as the construction of wind farms in developing countries and the establishment of the Ibero-American Network of Climate Change Offices, in conjunction with Latin American countries), as well as emissions-trading projects aimed at helping the country comply with its pledges to reduce national CO2 emissions. More importantly in terms of international initiatives, Spain joined the Carbon Neutrality Coalition. The members of the Carbon Neutrality Coalition, which include Canada, Denmark and the United Kingdom, have vowed to reach a state of carbon neutrality by 2050.

Citation:

Climatechangenews.com, (2018), 19 countries team up to go carbon neutral, <http://www.climatechangenews.com/2018/09/28/19-countries-team-go-carbon-neutral/>

November (2017), "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>

# Quality of Democracy

## Electoral Processes

Candidacy  
Procedures  
Score: 9

Spain's legal and administrative regulations for validating party lists and candidacies is fair and flexible. This was demonstrated in the elections of 2015 and 2016 when new parties participated for the first time in the general elections with winning one-third of seats in the parliament. Virtually every Spanish adult is eligible to run for public office. 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. The elections in Catalonia in December 2017 were a special case, since several candidates were being held in custody ahead of trial during the elections, while others had fled the country. In July 2018, the Supreme Court confirmed that several of these deputies would be prosecuted for rebellion, disobedience and misuse of public funds. The independence leaders were automatically suspended as regional deputies and lost their voting rights.

Citation:

OSCE(2018), Elections in Spain, <https://www.osce.org/odihr/elections/spain>

December 2017, BBC, "PM Rajoy rejects Puigdemont talks call"

<https://www.bbc.com/news/world-europe-42458717>

Media Access  
Score: 8

All democratic parties or candidates have access to the public media without unreasonable or systematic discrimination. The electoral law 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 every day, with its length 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 this did not prevent Podemos and Ciudadanos from achieving their electoral gains.

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.

Citation:

Media Pluralism Monitor (2016), Spain, European University Institute.  
<http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/spain/>

Voting and  
Registration  
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 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, 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 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

Citizens living overseas may face onerous red tape that discourages participation in elections, as well as occasional technical failures in the administrative work of consular departments. Although 90% of the some 2 million Spaniards abroad are registered, the voting procedure is complicated and, as a result, turnout rates among expatriates are extremely low (under 5%). Over the course of 2018, parties discussed a revision of this procedure, but no change had been made as of the close of the review period.

However, the voting rights accorded to adults with intellectual disabilities have changed. During the review period, the parliament unanimously approved an electoral reform that will allow 100,000 people with mental illness or cognitive impairment to vote. The initiative was launched after the Council of Europe ruled that intellectually disabled individuals could not be deprived of their right to vote.

Citation:

INCLUSION EUROPE (2018), 100.000 people under guardianship in Spain will be able to vote, <http://inclusion-europe.eu/?p=7278>

Party Financing  
Score: 5

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 in the form of largely insignificant membership fees) and corporations. The law was reformulated in 2015 as part of an anti-corruption plan aimed at increasing transparency and imposing sanctions following the emergence of a significant number of scandals in previous years. It imposes spending thresholds in electoral campaigns, and 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. This office suffers from a lack of political independence, since its members are appointed by the parties themselves. It also lacks staff resources, with audit reports typically published only after delays. During the period under review, in the Gürtel case, the National Court ruled that the PP had obtained funds illegally, and a former PP treasurer linked to illegal cash contributions and party donations was also found guilty. As a consequence of this scandal, Prime Minister Mariano Rajoy was ousted in no-confidence vote, and was replaced by the socialist Pedro Sánchez. However, the Socialist party (and the Catalan nationalist CDC, now renamed as PDeCAT) has also been involved in corruption scandals related to illegal party financing. Today, all parties have outlined anti-corruption policies and signed transparency commitments.

Citation:

Ahumada, (coord.) (2018), Informe sobre la Democracia en España 2017, Fundación Alternativas. [http://www.fundacionalternativas.org/public/storage/publicaciones\\_archivos/c4ce50790447eaa82d49984032c55b91.pdf](http://www.fundacionalternativas.org/public/storage/publicaciones_archivos/c4ce50790447eaa82d49984032c55b91.pdf)

Popular Decision-  
Making  
Score: 5

Since the 2008 – 2014 economic crisis, there has been strong public demand to give citizens a more direct role in Spain's political decisions. While the two main participatory-democracy mechanisms that formally exist in Spain (the citizens' legislative initiative and the referendum) have largely been ignored, several innovations in popular deliberation and decision-making have taken place in the last several years (with particular relevance at the EU and local levels).

The effectiveness of the popular legislative-initiative model, which enables the public to put a measure in front of the legislature, is quite limited due to the high number of signatures required. Moreover, other political and legal obstacles exist, such as 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. Only two of the 94 popular legislative initiatives launched since 1983 have become law.

The second means of popular decision-making relates to the option of submitting political decisions of special importance to all citizens in a referendum. However, Spaniards have been asked to vote in only three national referendums since democratization, in addition to seven such votes held in the various autonomous communities. Since 2012, Catalan nationalist forces (who constitute between 45% and 55% of the voters in that region) have pushed for a referendum on independence. However, this would be illegal according to the Spanish Constitution, and this maximalist position has generated a major political crisis.

Several other modes of popular consultation have also been developed recently, enabling Spain's citizens to express their political opinions on key issues. Several regional governments have opened the door to consultative procedures in pre-legislative processes. Similarly, many local authorities, including Madrid and Barcelona, enabled participatory budgeting during 2018. Other innovations in local direct democracy include the use of e-democracy and deliberative forums.

Spaniards are quite active with regard to citizen participation in EU policymaking. Since 1993, every EU citizen has had the right to address the European Parliament with a petition. In 2017, a total of 1,271 petitions were filed, with most coming from Spain, Italy and Germany. During 2018, Spain also undertook the so-called European Citizens' Consultations, a participatory experiment that was supported by both Rajoy's conservative government and socialist Pedro Sánchez.

Decide Madrid:

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

Llaudes, S.; I. Molina and I. Toygur. 2018. "Spain" In *The European Citizens' Consultations - Evaluation report*, eds. P. Butcher and C. Stratulat. Brussels: European Policy Centre and The Democratic Society. [www.epc.eu/pub\\_details.php?cat\\_id=1&pub\\_id=8839](http://www.epc.eu/pub_details.php?cat_id=1&pub_id=8839)

Lorente, J. 2018. "Spain: no country for direct democracy?" In *Direct Democracy in the EU*, eds. S. Blockmans and S. Russack. Brussels: CEPS [https://www.ceps.eu/system/files/EU\\_Direct\\_Democracy\\_CEPS\\_RLI\\_paperback\\_Blockmans\\_Russack.pdf](https://www.ceps.eu/system/files/EU_Direct_Democracy_CEPS_RLI_paperback_Blockmans_Russack.pdf)

## Access to Information

Media Freedom  
Score: 7

The public TV and radio network (RTVE) has been criticized for its lack of impartiality and credibility. However, under the new multiparty scenario following the 2016 elections, all parties (including the then-governing PP) agreed to appoint the next RTVE president on the basis of consensus. A legal change introduced in 2017 established an open and public competition for seats on the public media organization's governing board and for its president, with the need for a two-thirds (rather than simple) parliamentary majority to approve these positions. However, after difficulties in selecting a new president, on 19 July 2018, the new Pedro Sánchez government proposed the appointment of a "sole administrator," a provisional figure that would be granted powers to direct the public broadcasting group until the approval of a new president by public tender.

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, in Madrid and particularly in Catalonia, where the public media has openly supported the nationalist regional government's pro-secession view, while limiting access for those holding opposing perspectives or pluralistic positions.

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 the newspapers, radio and television stations that are ideologically closest to them (through regulation of the audiovisual sector or with generous subsidies). In 2018, the parliament set up a working group to deal with the issue of "fake news." Politicians, journalists, media owners and representatives from social-media platforms have been invited to contribute.

Citation:

October 2017, the Guardian: "What Catalonia's media dearly needs is neutral voices."

<https://www.theguardian.com/world/2017/oct/29/free-speech-catalonia-madrid-toxic-media>

Freedom House(2018), Press 2017 report. - <https://freedomhouse.org/report/freedom-press/freedom-press-2017>



Media Pluralism  
Score: 8

In the context of the EU, Spain is unique in that a majority of adults (59%) consider the news media to be very important to society, even if a smaller portion (31%) say they trust the news media. Spain's citizens have become more interested in politics in recent years. Even if the print media's circulation is declining, the population's growing access to the internet (with a penetration rate of approximately 85%) 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. 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 Eldiario.es and Publico.es have a large number of readers. There are also significant center-right to right-wing digital media sites such as Elconfidencial.com, Elespanol.com and Okdiatio.com. Nevertheless, the country's most widely read information websites are the electronic versions of print newspapers.

With regard to television, 55% to 60% of the market is controlled by two groups: the Italian company Mediaset (which includes the Telecinco and Cuatro channels) and the Atresmedia Corporación (which owns both the right-wing Antena 3 and the more leftist channel La Sexta). In addition, there is the public broadcaster Televisión Española (with a market share of about 15%), 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 (which belongs to the Catholic Church) and the publicly owned Radio Nacional de España.

Citation:

Abril-Mayo (2018), Audiencia de Internet  
<https://www.aimc.es/egm/audiencia-internet-egm/>

Media Pluralism Monitor (2017), Monitoring Risks for Media Pluralism, <http://cmpf.eui.eu/media-pluralism-monitor/>

PEW Research Center(2018), News Media in Spain  
<http://www.pewglobal.org/fact-sheet/news-media-and-political-attitudes-in-spain/>

Access to  
Government  
Information  
Score: 7

The first specific law enabling free and easy access to government information in Spain is only five years old. Despite being new, this legislation establishes some limits to the freedom of information, and Spain still scores comparatively low for three reasons: 1) some institutions (including the

royalty) are not rendered completely transparent by the law, 2) access to information is not recognized as a fundamental right, and 3) the oversight body (the so-called Transparency Council, which decides whether there are data-protection or other security issues that justify withholding the information) is not fully independent, and remains understaffed. For several reasons, including the fact that most data is available only upon request, citizens make limited use of the ability to request information.

Nevertheless, since 2013, access to government information has improved significantly, largely thanks to public policies being given a higher degree of transparency. For example, at the end of 2017, the minutes of the Council of Ministers meetings for the period 1996 – 2017 were made available to the public, the first time this had been done in the country's democratic history.

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

Las Actas del Consejo de Ministros publicadas por primera vez en España <https://www.access-info.org/es/frontpage-es/30077>

### Civil Rights and Political Liberties

Civil Rights  
Score: 7

Spanish state institutions generally respect and protect civil rights. The rights guaranteed by the constitution and ordinary legislation are enforced, and only few infringements occur in practice (e.g., concerning illegal immigrants). Courts provide effective protection even if systematic delays and a lack of adequate resources (both human and technological) are factors that undermine this effectiveness to some degree. The political conflict associated with Catalonia's bid for independence has included the very debatable claim by Catalan nationalist forces that the central government and the courts may have supported an abusive interpretation of the rule of law.

During the period under review, parliament initiated a debate on the reform of the controversial 2015 law on public safety. That legislation has been widely regarded as an anti-protest instrument (including a system of executive fines imposed for insulting police officers, as well as for taking part in public unauthorized demonstrations). A specific reform proposal regarding the most controversial articles of the law was presented in December 2018; however, its prospect of success was dim, due to the government's lack of a parliamentary majority. The socialist government has also taken some measures to include Council of Europe opinions when addressing provisions for express deportations and the filming of police officers.

## Citation:

June 2018, El País: “El Gobierno prevé derogar el núcleo de la ‘ley mordaza’”  
[https://elpais.com/politica/2018/06/22/actualidad/1529685745\\_811366.html](https://elpais.com/politica/2018/06/22/actualidad/1529685745_811366.html) html

## Political Liberties

Score: 8

According to the most widely quoted comparative indices measuring the state of democracy, freedoms and the rule of law, Spain is considered to be a free full democracy (in the top 20). The country’s institutions are generally effective at protecting political liberties, subject to special protection against government (or even private) interference, though there are occasionally incidents of infringement.

During the period under review, several prominent artists protested against the 2015 law on public safety and an amendment to the Criminal Code’s Article 578 that increased the maximum penalty for “glorifying” terrorism and “humiliating” its victims to three years in prison. The protests were inspired in part by a jail sentence in February 2018 against a rapper whose song had contained aggressive lines criticizing politicians and members of the royal family. According to Freedom House and Amnesty International, at least 119 people have been convicted of speech-related “terrorism” offenses since 2011. The current government has announced that it intends to revise the law. In October, the parliament agreed to discuss reforms to the Criminal Code that would diminish penalties for crimes such as insulting the king, inciting terrorism and offending religious sentiments.

## Citation:

Freedom House (2018): Spain,  
<https://freedomhouse.org/report/freedom-world/2017/spain>

## Democracy Index 2018: Spain

<https://www.eiu.com/topic/democracy-index>

Amnesty International (2018), Spain: Counter-terror law used to crush satire,  
<https://www.amnesty.org/en/latest/news/2018/03/spain-counter-terror-law-used-to-crush-satire-and-creative-expression-online/>

## 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. 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. Cases of explicit discrimination are extremely rare, but this does not mean that occasional public discrimination and, above all, indirect social discrimination are never observed. 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 time and measures seeking to guarantee equal pay for women and men may prove positive developments.

In general terms Spaniards express fewer fears than other Europeans regarding minorities, and tend to express less negative views about immigration. In 2018 the Council of Europe acknowledged that there is less hate speech in Spain than in other European countries, although the incidence of hate speech on the Internet and social media has risen sharply. Spain is considered to be a pioneer in fighting discrimination against homosexuals and women. The main national agency tasked with monitoring equality and antidiscrimination efforts is the Institute for Women and Equal Opportunities. However, in 2018, the Council of Europe's European Commission against Racism and Intolerance (ECRI) called on Spain to "urgently" create an independent equality body specifically designed to tackle racism. The ECRI report also criticized the lack of measures to integrate migrants, as well as the segregation experienced by Roma children.

Citation:

ECRI (2018), Fifth report on Spain.

<https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/spain>

### 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. In 2016, a new piece of legislation (Ley 39/2015) came into force aiming to modernize the country's basic administrative law and improve legal certainty. In theory, this policy holds across the Spanish public sector, but it is also true that citizens and the business sector sometimes complain about unpredictable decisions. And 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 ad government.

The events in Catalonia during the period under review (the unilateral declaration of independence by parties representing less than 50% of the population, against the recommendations of the clerks of the regional parliament and despite the prohibitions issued by the Spanish Constitutional Court) can be considered an outstanding example of an arbitrary decision that lacked legal basis and ignored the constitution. However, this was a quite exceptional and unusual development that the central institutions (the Senate, the government and the higher courts) managed with response based on the rule of law; direct rule in Catalonia was imposed, and secessionist leaders were prosecuted in connection with the breakaway bid. Even if this approach can be criticized as legalistic and lacking in political vision, it was explicitly designed with the aim of underlining that public authorities should act according to legal regulations.

Judicial Review  
Score: 7

Citation:

Ahumada, (coord.) (2018), Informe sobre la Democracia en España 2017, Fundación Alternativas. [http://www.fundacionalternativas.org/public/storage/publicaciones\\_archivos/c4ce50790447eaa82d49984032c55b91.pdf](http://www.fundacionalternativas.org/public/storage/publicaciones_archivos/c4ce50790447eaa82d49984032c55b91.pdf)

The Spanish judicial system is independent and has the capacity to control whether the 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 of 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, the behavior of the judiciary with regard to the Catalan crisis and a number of decisions related to corruption scandals demonstrated that courts can indeed act as effective monitors of activities undertaken by public authorities. This included a ruling in May 2018 that found Prime Minister Mariano Rajoy guilty of benefiting from a vast kickbacks scheme (as a result, the socialist opposition filed a motion of no confidence in Rajoy, who was finally ousted).

According to the 2018 GRECO report, there is no doubt as to the high quality and dedication of the country's judges and prosecutors. However, improvements leading to still greater judicial independence and efficiency were recommended. The 2018 EU Justice Scoreboard indicated that most respondents found the judicial system to be too slow. In May 2018, judges and prosecutors stopped work in an unprecedented strike to call for greater judicial independence and better working conditions. Moreover, some judges appear to have difficulties in reconciling their own ideological biases 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. Finally, the capacity of some powerful private interests (such as the banking system) to influence judicial decisions was the subject of extensive debate in October 2018, following a controversial ruling by the Supreme Court on taxation.

Citation:

EC(2018), "EU Justice Scoreboard"  
[https://ec.europa.eu/info/policies/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/effective-justice/eu-justice-scoreboard_en)

GRECO (2018), Fourth evaluation round, Spain: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680779c4d>

Appointment of  
Justices  
Score: 7

Under current regulations, appointments to both the Constitutional Court (the organ of last resort regarding the protection of fundamental rights and conflicts regarding institutional design) and the Supreme Court (the highest court in Spain for all legal issues except for constitutional matters) require special

majorities in the parliament. These majorities can be reached only through difficult and politicized extra-parliamentary agreements between the major parties, which generally lack a cooperative attitude toward one another. In 2018, GRECO published a report stating that Spain's political authorities still have not established objective evaluation criteria for appointments to the higher judiciary ranks; this is needed in order to ensure that these appointments do not cast any doubt on the independence and transparency of this process. However, the problem lies not so much in the appointment of high court judges, but rather in their corporatist culture and the conservative mindset instilled by a specific professional career.

During the period under review, a "left-leaning" judicial association criticized the political bias of some Supreme Court appointments promoted by the right-wing president of the Supreme Court. At the political level, a parliamentary debate focused on a strategy aimed at enhancing the judiciary's impartiality, talent and efficiency. A code of conduct has been adopted, and a consultative Commission of Judicial Ethics has been established.

Citation:

GRECO (2018), Fourth evaluation round, Spain: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680779c4d>

Ahumada, (coord.) (2018), Informe sobre la Democracia, Fundación Alternativas. [http://www.fundacionalternativas.org/public/storage/publicaciones\\_archivos/c4ce50790447eaa82d49984032c55b91.pdf](http://www.fundacionalternativas.org/public/storage/publicaciones_archivos/c4ce50790447eaa82d49984032c55b91.pdf)

Corruption  
Prevention  
Score: 7

Corruption levels have declined in Spain since the real-estate bubble burst in the wake of the economic crisis, and also as a consequence of the criminal, political and social prosecution of corrupt officials. "Corruption is not in our cultural DNA," said a report published in 2018 by the Círculo de Empresarios; and the fact is that – political-party funding aside – few corruption cases have involved career civil servants. Everyday interactions between citizens and the administration are typically characterized by a high level of integrity. Nonetheless, perceived corruption levels and Spain's position in international indices such as Transparency International's CPI have worsened since the early 2000s. Spain was ranked at 20th place worldwide at the beginning of last decade, but has fallen to 41st place in 2018. 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.

In January 2018, a court in Barcelona ruled that the ruling party of Catalonia (the moderate nationalist CDC) had for many years received illegal commissions. In May, the Supreme Court found former PP officials guilty of tax evasion and of having received illegal commissions for public contracts; this led to the fall of Mariano Rajoy as prime minister.

Several measures for preventing corruption have been put in place in recent years. In 2017, a parliamentary committee initiated a ongoing series of public hearings aimed at improving the financing of political parties. In March 2018, the Law 9/2017 on public procurement came into force. In addition, Directive 2014/23/EU, concerning application thresholds for contract-award procedures, was implemented into law. Although the new legal frameworks led to a certain degree of confusion during the period under review, they are intended to achieve greater transparency in public procurement.

Citation:

Transparency International (2018), Corruption Perceptions Index, [https://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2017?gclid=Cj0KCQjw08XeBRCOARIsAP\\_gaQCZqokUPS3LIHD\\_eoCwhZ96vD34Osmmc9bzdA4v8M2wibnXY1J6c6MaAuMQEALw\\_wcB](https://www.transparency.org/news/feature/corruption_perceptions_index_2017?gclid=Cj0KCQjw08XeBRCOARIsAP_gaQCZqokUPS3LIHD_eoCwhZ96vD34Osmmc9bzdA4v8M2wibnXY1J6c6MaAuMQEALw_wcB)

GRECO (2018), Fourth evaluation round, Spain: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680779c4d>

William Chislett (2018), Forty years of democratic Spain, Real Instituto Elcano, <http://www.realinstitutoelcano.org/wps/wcm/connect/e217af25-055a-4eeb-8dfb-f021b0184017/WP1-2018-Chislett-Forty-years-democratic-Spain.pdf?MOD=AJPERES&CACHEID=e217af25-055a-4eeb-8dfb-f021b0184017>

Círculo de Empresarios (2018), La calidad de las instituciones en España. <https://circulodeempresarios.org/app/uploads/2018/04/Calidad-insti-CdE-WEB.pdf>

# Governance

## I. Executive Capacity

### Strategic Capacity

Strategic  
Planning  
Score: 7

The idea of reinforcing long-term thinking and smarter policymaking has drawn increasing political attention in Spain during the crisis. Several key areas including economic policy (structural reforms), security and external action, are addressed through strategic documents that receive annual evaluations. However the political instability of the PP minority government (2016 – 2018) and of the subsequent PSOE minority government has undermined the government's strategic-planning capacities.

During 2018, sectoral strategies have been published or announced in the areas of foreign policy, cybersecurity, the pensions system, poverty reduction and gender equality. The Prime Minister's Office, which is the central actor for the government strategic planning, has been reinforced and new policy units (the High Commissioner for Combating Child Poverty and the High Commissioner for the Agenda 2030) have been established, helping to bolster the government's priorities and expertise. In July 2018, the Council of Ministers approved the Action Plan for the Implementation of the 2030 Agenda: Towards a Strategy for Sustainable Development, in which all ministerial departments, regions, local authorities and civil society organizations participated.

Citation:  
Government (2018), Implementation of the 2030 Agenda:  
[https://sustainabledevelopment.un.org/content/documents/203295182018\\_VNR\\_Report\\_Spain\\_EN\\_ddghpb rgsp.pdf](https://sustainabledevelopment.un.org/content/documents/203295182018_VNR_Report_Spain_EN_ddghpb rgsp.pdf)

Expert Advice  
Score: 7

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 government’s willingness to ask for external advice when engaged in institutional redesign (e.g., two panels of external experts were created in recent years to advise the Popular Party government in its pension- and education-system reforms). Some recent trends, such as the emergence of several think tanks, may over time strengthen the influence of external experts. In addition, the parliamentary committee tasked with studying Spain’s current territorial model and preparing a report for a constitutional reform organized numerous hearings with experts. The new Pedro Sanchez government appointed a number of scholars and technical experts to high-level positions in the public administration, and increased the overall number of government advisors.

Citation:

20 minutos, Sánchez nombra a 66 altos cargos y asesores más que Rajoy en 2011

<https://www.20minutos.es/noticia/3382734/0/gobierno-sanchez-mas-asesores-altos-cargos-rajoy/>

### Interministerial Coordination

GO Expertise  
Score: 8

Spain’s Government Office (Ministry of the Presidency) and Prime Minister’s Office (Gabinete) are tasked with evaluating line-ministry proposals from the political and technical points of view. The two departments together 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 structure of the Prime Minister’s Office vaguely reflects the various ministerial portfolios, although without achieving a comprehensive policy expertise that enables perfect oversight throughout the executive. 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:

Structure of the Ministry of the Presidency

<https://administracion.gob.es/pagFront/espanaAdmon/directorioOrganigramas/fichaUnidadOrganica.htm?idUnidOrganica=171&origenUO=gobiernoEstado&volver=volverFicha#.W8m9MWgzY2w>

Line Ministries  
Score: 8

Both the Government Office (GO) and the Prime Minister's Office (PMO) are regularly briefed on new developments affecting the preparation of policy proposals by line ministries. Although these offices are formally autonomous, the legal and political hierarchy within the 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, 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 staff resources are limited, and cannot be briefed on the whole range of government activity. Therefore, they normally focus on each ministerial department's most important sectoral developments.

Citation:

Paniagua (2018), *La Moncloa*, in: Lanzaro (coord.) *Centros de Gobierno*, Tecnos, Madrid.

Ley 39/2015

September 2018, *Politico*, Sánchez's 100 days of commotion, <https://www.politico.eu/article/pedro-sanchez-spain-100-days-of-commotion/>

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 to review and schedule economic or budgetary interministerial coordination. This committee has been chaired since June 2018 by the minister of economy and business, and also includes the other ministers and secretaries of state who hold 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, which meets only about once a year. Other ministerial committees are regulated by Royal Decree 694/2018.

Citation:

Real Decreto 694/2018

Real Decreto 595/2018

Ministerial  
Bureaucracy  
Score: 7

The two most important senior bureaucratic positions in the 17 ministries are the secretaries of state, who play a role much like that of junior ministers but do not formally belong to the government, and the undersecretaries, who are career civil servants who 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 deputy prime minister and head of the Government Office (GO) 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 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, the prime minister's advisers assess the relative importance of agenda items 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.

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 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  
Real Decreto 595/2018

Informal  
Coordination  
Score: 8

The relative weakness of formal coordination among ministry civil servants in Spain is to some extent compensated for by helpful informal procedures. When interministerial problems cannot be solved informal contacts, or meetings between officials of the various ministries involved are organized.

Many policy proposals can in fact be coordinated in this fashion. As 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 administrative fragmentation, since every corps tends to control a department according to its specialization. In this sense, the administration seems to follow a “silo” structure, in which each ministry, department, agency, organism or public entity follows its own operating logic. Within the cabinet, these informal mechanisms are less necessary, since the stable experience of single-party governments with strong prime ministers has up to this point required less coordination than would coalition cabinets.

Citation:

Círculo de Empresarios (2018), La calidad de las instituciones en España. <https://circulodeempresarios.org/app/uploads/2018/04/Calidad-insti-CdE-WEB.pdf>

Digitalization for  
Interministerial  
Coordination  
Score: 8

Spain ranks 14th out of the 28 EU Member States in the EC 2017 Digital Economy and Society Index. The performance of Spain is especially remarkable in the area of Digital Public Services. Law 18/2015 on data reuse and data transparency has promoted a culture of open data within the public administration, and the public sector is quickly progressing with regard to the integration of digital technologies. In recent years, a number of laws have been updated and procedures improved with the aim of exploring the potential of digital technologies and structures. Moreover, shared interdepartmental platforms (such as the Cl@ve platform) and shared services have been developed. According to the Digital Transformation Plan for the General Administration and Public Agencies (ICT Strategy 2015 – 2020), all ministries are required to draft digital-transformation action plans. These are to include means of simplifying inter-departmental working procedures, the electronic exchange of information between administrative units, the issue of information classification, and the implementation of standards for the exchange of information. The secretary of state for digital progress at the Ministry of Industry, Trade and Tourism is responsible for the implementation of the Digital Agenda for Spain.

Spain’s decentralized structure has created challenges in establishing a coherent and nationwide interministerial e-government coordination plan. However, the ICT Strategy 2015 – 2020 and the Law on Common Administrative Procedures have together created a strategic framework for inter-administrative compatibility and coordination.

Citation:

EC (2017), Europe’s Digital Progress Report, Country Profile Spain,

Spanish government (2015), ICT STRATEGY 2015-2020

### Evidence-based Instruments

RIA Application  
Score: 5

The law on the common administrative procedure (Law 39/2015), which came into force in October 2016, 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 opportunities to apply RIA may be expanding in Spain, there has to date been little concern for the quality of legislation beyond the formal legal considerations that are monitored by the Council of State.

Citation:  
Ley 39/2015

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 since 2016 by the law on the common administrative procedure), 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. Since 2017, the Institute for the Evaluation of Public Policies, a part of the Ministry of Territorial Policy and Civil Service, has been in charge of evaluating the public policies produced by ministries and at the various administrative levels. However, reinforcing the degree to which this institute cooperates with other agencies (e.g., the Office for the Execution of Administrative Reform, or the Independent Fiscal Accountability Authority) would increase the impact of its short-term and long-term evaluations.

Citation:  
Círculo de Empresarios (2018), La calidad de las instituciones en España. <https://circulodeempresarios.org/app/uploads/2018/04/Calidad-insti-CdE-WEB.pdf>

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, the legal reform of the general administrative procedure in 2015 included new sustainability-related improvements. Under the terms of Law 39/2015, the executive has the centralized task of reviewing whether new bills prepared by the rest of ministries and agencies fulfill various criteria from a procedural point of view. Articles 129 and 130 of the 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. Royal Decree 931/2017, which came into force in December 2017, aims to improve regulatory impact analyses concentrating on the economic, social and environmental consequences of new legislation. Despite these recent improvements, Spain lacks a formal sustainability strategy other than the National Reform Plan and the Stability Program associated with European economic-governance obligations.

Citation:  
Real Decreto 931/2017.

Quality of Ex  
Post Evaluation  
Score: 6

The State Agency for Evaluation of Public Policies and the Quality of Services was created in 2006 in order to promote a culture of evaluation and to improve the quality of services in the public administration. In fact, evaluations vary substantially according to the public policy. In 2017, the Agency was downgraded, becoming the Institute for the Evaluation of Public Policies which is today attached to the Ministry of Territorial Policy and Civil Service. In theory, this Institute is in responsible for the ex post evaluation of all public policies. However, during the period under review, no data regarding the activities of the Institute was available. The 2015 law on the common administrative procedure includes a provision regarding ex post evaluation, making it compulsory to evaluate the application of rules and norms in order to ascertain whether they have met the objectives pursued, and whether costs have been justified. Most autonomous regions have developed additional, systematic ex-post evaluation programs for their public policies. However, the practical impact of these measures has to date been limited.

The Independent Authority for Fiscal Responsibility (AIReF), which was created in 2014, is responsible for the evaluation of public spending and the efficiency of public policies. The AIReF analyses key expenditure and investment items such as education, healthcare and public works. The reports are not binding, but if the administration chooses not to follow the

recommendations, it must justify this decision. In 2018, the AIReF's independence was reinforced by giving it greater access to information and improving its budget-drafting process and the way in which it monitors recommendations. It has undertaken several spending reviews and policy evaluations.

Citation:  
Ley 39/2015. Royal Decree 105/2018

### Societal Consultation

Public  
Consultation  
Score: 6

An Economic and Social Council (ESC) made up of employers' organizations, trade unions and other societal representatives is provided for in the constitution, while other government advisory bodies are provided for by additional specific policies. The ESC and the other bodies issue opinions on draft legislation, although there is no general common institutionalized procedure for consultation nor in many cases is there an obligation to engage in it. The extent and success of this social dialogue with regard to the preparation of policy initiatives depends on the particular sector and the personality of the relevant minister.

Following the economic recovery and the end of the absolute majority government's term after 2015, the right-wing PP government improved communication with the two big trade unions (UGT and CCOO) and the main business association (CEOE). This enabled it to introduce reforms on wages, for example. Since 2017, the frequency of public consultation for legislative projects has increased, with the introduction of so-called annual normative plans helping in this regard. While the weak PSOE minority government increased contacts with societal actors in 2018 (many public and private actors participated in the elaboration of the Action Plan for the Implementation of the 2030 Agenda, which was approved in July), it has also made greater use of decree-law powers.

Citation:  
Real Decreto 286/2017  
<http://www.ces.es/en/web/guest>

### Policy Communication

Coherent  
Communication  
Score: 7

A press office in the prime minister's entourage (Secretaría de Estado de Comunicación) and the government's spokesperson try to conduct coherent communication planning. Ministries tend to align their statements and press

releases with government strategy. The conservative PP government (in office through May 2018) did not have a well-developed communications strategy. The management of the Catalan conflict was perhaps the best example of this problem, with unconvincing and contradictory statements released both internally and abroad. The PSOE government launched a more thoughtful political communications strategy after June, very much oriented towards the next elections. However, minor scandals linked to the previous behavior of the new ministers appointed, some policy reversals and interministerial disagreements (for example between the Defense and Foreign Affairs ministries regarding arms sales to Saudi Arabia) showed the limits of this strategy.

Citation:

September 2018, Politico, Sánchez's 100 days of commotion, <https://www.politico.eu/article/pedro-sanchez-spain-100-days-of-commotion/>

### Implementation

Government  
Effectiveness  
Score: 6

The Spanish government has never instituted a system of benchmarks to evaluate its own performance. However, thanks to its constitutional powers and single-party nature, it has traditionally been successful in the implementation of major policy objectives. Until 2015, two obstacles existed: first, the weakness of the coordination mechanisms with the 17 autonomous regions that are responsible for most policy areas, and second, the high degree of ministerial fragmentation. In recent years, and particularly during the period under review, the governing party's parliamentary weakness has become a much greater obstacle, rendering the government incapable of implementing some of its strategic objectives, especially with regard to securing approval of the annual budget.

Nevertheless, a major success with regard to effective implementation was achieved during the period under review, associated with the Catalan crisis. In October 2017, article 155 of the constitution was activated (a kind of federal coercion clause); this produced snap regional elections imposed by the central government, and effectively led to direct central-government rule in Catalonia until May 2018.

Citation:

October 2017, The Guardian: Spain dissolves Catalan parliament, <https://www.theguardian.com/world/2017/oct/27/-pm-mariano-rajoy-asks-senate-powers-dismiss-catalonia-president>

May 2018, The Guardian: Catalonia's parliament elects hardline secessionist <https://www.theguardian.com/world/2018/may/14/catalonia-parliament-elects-hardline-nationalist-as-president>



Ministerial  
Compliance  
Score: 9

All prime ministers since the restoration of democracy in 1977 have presided over single-party governments, even after 2015, when absolute majorities became impossible to attain. Thus, all ministries are chaired by members or persons close to the same party. The prime minister (who is the leader of the governing party) is free to reorganize government structures and dismiss ministers he does not consider able or willing to implement the government's program.

The constitution (which stipulates that parliamentary confidence rests personally with the prime minister and his comprehensive government program), internal party discipline and the organization of the executive thus all provide strong incentives for all ministers to implement the overall government program rather than seeking to realize 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, even reinforced with the new socialist government.

Monitoring  
Ministries  
Score: 7

The activities of all line ministries are monitored by the Prime Minister's Office (PMO), the Government Office (GO), 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 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 new legislation in 2015 that introduced a new system for systematically assessing policy implementation, in the form of a periodic evaluation report that is 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 these central offices are limited, and these bodies rarely engage in direct coordination of ministerial departments. Only the prime minister or his deputy are entitled to play this role.

Citation:

Funciones del Ministerio de la Presidencia

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

Real Decreto 595/2018

Monitoring  
Agencies,  
Bureaucracies  
Score: 7

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 as a consequence of the crisis consisted in the

reinforcement of 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, and resulted in several mergers. Law 40/2015 established an integrated framework for evaluation, monitoring and the independent audit of all agencies. 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:

Círculo de Empresarios (2018), La calidad de las instituciones en España. <https://circulodeempresarios.org/app/uploads/2018/04/Calidad-insti-CdE-WEB.pdf>

Task Funding  
Score: 6

Spain has a very decentralized political and administrative structure, with 17 autonomous regions 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. In the context of the austerity policies that have characterized Spain until recently, 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. 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. In fact, Catalonia's bid for independence was in part fueled by widespread social unrest related to the wealthy region's limited fiscal capacities. In 2012, the central government introduced the Fund for Regional Liquidity, providing inexpensive liquidity to the regions. This program remained in force in 2018. Thanks to this program, most of Spain's public debt belongs to the central administration, although some regions are now independently accessing the financial markets once again. Although the new socialist government announced plans for a long-awaited reform of the territorial financing model in 2018, the reform had to be postponed.

Citation:

September 2018, El Confidencial, Las comunidades mejor financiadas dan un giro al debate, [https://www.elconfidencial.com/economia/2018-09-11/comunidades-mejor-financiadas-piden-dinero\\_1614033/](https://www.elconfidencial.com/economia/2018-09-11/comunidades-mejor-financiadas-piden-dinero_1614033/)

Constitutional  
Discretion  
Score: 5

Since 2012, legislation on budgetary stability and financial sustainability has imposed austerity conditions and debt targets on all public administrative bodies. With this legislation, the central government has – despite formally respecting the autonomous communities’ constitutional autonomy – de facto narrowed the scope of their spending autonomy. One of the effects of the law has been to paralyze policy initiatives, especially at the municipal and regional levels. Some regions (particularly Catalonia) have tried to protect themselves from what they deem excessive central control, but the radicalization of this strategy in the form of Catalonia’s bid for secession prompted the imposition of temporary direct rule by the central government (from October 2017 to May 2018).

Citation:

November 2017, El País: “Montoro interviene las cuentas de Madrid”  
[https://elpais.com/ccaa/2017/11/07/madrid/1510051221\\_630892.html](https://elpais.com/ccaa/2017/11/07/madrid/1510051221_630892.html)

February 2018, La Vanguardia, Se cumplen cien días de la aplicación del artículo 155,  
<https://www.lavanguardia.com/politica/20180204/44518036224/se-cumplen-cien-dias-de-la-aplicacion-del-articulo-155.html>

National  
Standards  
Score: 6

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 method for monitoring the provision of services by the regions through administrative supervision (the so-called High Inspectorate) 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. Overall, inequalities between regions have not increased, but neither have they diminished.

In 2018, the Spanish Constitutional Court reaffirmed the powers of the central government to establish curriculum standards for students in primary and secondary education.

Citation:

Kölling; Rambler, (2018), Spain, in: Wong, Knüpling, Kölling, Chebenova (ed.), *Federalism and Education: Ongoing Challenges and Policy Strategies in Ten Countries*, 2018, Information Age Publishing, Charlotte.

Effective  
Regulatory  
Enforcement  
Score: 7

In recent years, the Spanish government has faced strong pressure from powerful economic groups in the banking, energy and telecommunications sectors, as well as several private groups such as pensioners and taxi drivers. Until 2015, with an absolute majority in parliament, the government was able to push unpopular legislative acts through parliament even against the opposition of vested interests. Nevertheless, the minority governments in power in 2016 through 2018 were forced to seek not only the support of other political parties, but also a broader societal consensus. This has limited the ability to push through regulations against strong opposition from powerful interest groups.

### Adaptability

Domestic  
Adaptability  
Score: 8

The 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 government's coordination with and adaptation to the European Union is mainly the task of the Secretariat of State for the European Union and the Spanish Permanent Representation in Brussels (both units within the Foreign Ministry). The Prime Minister's Office, the Ministry for Economy, and the Ministry for Finance also have important responsibilities in terms of coordinating cooperation between ministries on EU matters and structural reforms connected to European economic governance. More generally, all line ministries have to some extent Europeanized their organizations, although most ministries lack units dealing specifically with the EU, and interministerial coordination is weak. Since the beginning of the 1980s, cooperation between the central government and the autonomous regions on EU affairs have been managed by the so-called Conference on Matters Related to the EU. Finally, the creation of a High Commissioner for the 2030 Agenda, with interministerial responsibilities, was the most important development during 2018 with regard to adapting domestic structures to meet the objectives decided at the international level – in this case, the UN's Sustainable Development Goals.

Citation:  
Real Decreto 595/2018

International  
Coordination  
Score: 8

The year 2018 was an important one with regard to Spain's efforts to contribute actively to international efforts to foster the provision of global public goods. The country continued to participate in these efforts as one of the leading EU member states (with the new Prime Minister Pedro Sánchez acting proactively at the European Council) and as a permanent guest at the G-20 summits; however, Spain also began its mandate as a member of the UN's

Human Rights Council for the 2018 – 2020 period. The national government has contributed to international forums and actions responding to challenges including climate change (through the COP), energy supply, financial stability, illegal migration (as a signatory to the Global Compact and several bilateral agreements), terrorism, and peacekeeping (troops deployed in UN, NATO and EU missions). In June 2018, a High Commissioner for the 2030 Agenda, linked to the prime minister, was created to coordinate line ministries on issues related to fulfilling the 17 Sustainable Development Goals. During the period under review, Prime Minister Sanchez tried to find a common European answer to dealing with the migration challenge, although Spain had previously played only a very small role in addressing the post-2015 refugee crisis. However, Spanish governments can work harder to shape global governance and to ensure that global issues have been systematically assessed and incorporated into the formulation, coordination and monitoring of internal policies.

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>

Council on foreign relations, A Conversation with Pedro Sánchez - <https://www.cfr.org/event/conversation-pedro-sanchez>

### Organizational Reform

Self-monitoring  
Score: 5

The 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. Following his arrival in office in June 2018, Prime Minister Sanchez introduced several changes with regard to ministries' names and jurisdictions, without a prior impact assessment. As yet, no central actor performs a self-monitoring function. However, laws 19/2013 on transparency, access to public information and good governance, and 39/2015 on general administrative procedure state that the Government Office must engage in planning, evaluation, and comprehensive monitoring of general legislation and, where appropriate, must promote revision and simplification.

Citation:

Ley 39/2015

Institutional  
Reform  
Score: 6

During the period under review, which coincided with a no-confidence vote in May 2018 and the formation of a new government, several important changes were introduced with regard to policy portfolios and the associated ministries. This included the creation of several new departments (including the Ministry for Territorial Policy and Civil Service), and changes in the names and

responsibilities of others. As of the time of writing, the government was two-thirds female – the highest such proportion in the country’s history. This includes a Ministry of Equality chaired by the deputy prime minister. Moreover, in line with government priorities in foreign policy and poverty reduction, the Prime Minister’s Office was reinforced in 2018 with several new policy units (the High Commissioner for Combating Child Poverty and the High Commissioner for the Agenda 2030).

However, the internal central-government structure and the procedures of governing have remained almost unchanged for many years. A more substantial and comprehensive improvement could have been achieved through the interministerial administrative-reform process that took place from 2012 to 2015, but the scope of this process was somewhat limited. Despite being praised by the OECD, it paid limited attention to the government’s strategic capacity to make and implement political decisions.

Citation:

June 2018, BBC, Spain’s king swears in Sanchez cabinet with majority of women  
<https://www.bbc.com/news/world-europe-44382051>

## II. Executive Accountability

### Citizens’ Participatory Competence

Political  
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 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 CIS, a public sociological research center, 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 published by the CIS in 2018 showed that 50.4% of respondents discuss politics often or very often (as compared to 44.2% in 2008).

Citation:

CIS Survey 3210 April 2018  
[http://www.cis.es/cis/opencm/ES/1\\_encuestas/estudios/ver.jsp?estudio=14391](http://www.cis.es/cis/opencm/ES/1_encuestas/estudios/ver.jsp?estudio=14391)

Open  
Government  
Score: 7

Ministries and public agencies (such as the National Statistics Institute INE, and the Sociological Research Centre (CIS)) often publish data and information that enables citizens to hold the government accountable. The third Open Government Plan 2017 – 2019 (as modified in June 2018) is intended to promote mechanisms of participation and dialogue with civil society and ensure interadministrative cooperation. In February 2018, an Open Government Forum was created with the aim of institutionalizing collaboration between public administrations and civil society. Although the development of open government mechanisms has been fast and effective in recent years, some indicators seem to point to no more than weak demand on the user side. Nevertheless, there are a number of innovative open government projects at the regional level.

Citation:  
Government (2017), Open Government Plan 2017-2019 plan,  
[https://www.opengovpartnership.org/sites/default/files/Spain\\_Action-Plan\\_2017-2019\\_UPDATE\\_EN.pdf](https://www.opengovpartnership.org/sites/default/files/Spain_Action-Plan_2017-2019_UPDATE_EN.pdf)

Gobierno Abierto de Navarra, <http://www.gobiernoabierto.navarra.es/es>

### Legislative Actors' Resources

Parliamentary  
Resources  
Score: 5

Every parliamentary group is assigned funds to hire personnel, with budget allocations dependent on the party's electoral results. However, individual members of parliament lack even a single exclusive assistant, and the small number of staff members is shared. No real parliamentary research units exist, and economic resources for parliamentary committees are also scarce. The lack of technical support for deputies and senators, who cannot effectively oversee all dimensions of public policy, has been frequently criticized, but no improvements are in sight.

The scrutiny of EU policymaking illustrates the lack of resources, as the 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. Despite growing demands for greater parliamentary involvement in EU affairs, budgetary restrictions have prevented any change with regard to human and financial resources.

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 so 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 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 Spokespersons. The party supporting the government may try to reject some of the requirements made by the opposition, but after 2016, minority governments have been in a weak parliamentary position, rendering this veto much more difficult to sustain. 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 2018, the mechanism for summoning ministers was frequently exercised.

Citation:

August 2018, La comparecencia urgente de Sánchez

<https://www.europapress.es/nacional/noticia-comparecencia-urgente-pedro-sanchez-12-ministros-votacion-lunes-congreso-20180826115534.html>

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 parliament's staffing and financial resources prevents systematic involvement in the lawmaking process by university scholars, think tank analysts and other experts. During the period under review, the parliamentary committee tasked with studying Spain's current territorial model organized numerous hearings with experts; however, the large number of experts summoned by the parliamentary groups made hearings very time consuming.

Citation:

December 2017, El País: "La comisión sobre el Estado autonómico aleja de la primera fase a los expresidentes del Gobierno"

[https://elpais.com/politica/2017/12/13/actualidad/1513189380\\_651547.html](https://elpais.com/politica/2017/12/13/actualidad/1513189380_651547.html)

Task Area  
Congruence  
Score: 8

The task areas of the regular parliamentary committees in the Congress of Deputies and the Senate generally correspond to the functions exercised by government ministries. After June 2018, the 17 ministries were monitored by 21 standing legislative committees in the Congress, which were even renamed to match the ministerial portfolios. The exceptions are three departments whose monitoring is split across two committees (Budget and Finance; Foreign Affairs and International Development; and Health, Consumers and Social Welfare and Disability). The Government Office, which is also responsible for equality policy, is monitored by two committees, the Constitutional and Equality committees. Thus, there is no mismatch, although other structural factors (limited committee resources) are rather more problematic with regard to effective monitoring.

Citation:

Índice de Comisiones, XII Legislatura

<http://www.congreso.es/portal/page/portal/Congreso/Congreso/Organos/Comision>

## 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 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 follow 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. 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:

Evolución de audiencia (2018), <https://www.ojdinteractiva.es/medios-digitales/eldiario-evolucion-audiencia/totales/anual/3896/trafico-global/#>

### Parties and Interest Associations

Intra-party  
Decision-Making  
Score: 7

Spain's political landscape now includes four major parties that draw more than 10% of the popular vote at the national level: the center-right party PP, the social-democratic PSOE, the left-wing party Podemos and the liberal Ciudadanos party.

The PP, traditionally characterized by opaque internal decision-making processes, introduced a primary vote in 2018 for decisions on its leadership. The process was marked by some controversies, since only 58,000 party members voted (5% of the supposedly registered members).

The PSOE is a less president-driven organization, in which 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 quite open. Pedro Sánchez (who became prime minister a year later) won an election to the party leadership in 2017 against the wishes of the party machine.

Finally, both Podemos and Ciudadanos present themselves as more internally democratic than either the PP or the PSOE, insofar as they formally allow all party members and supporters to participate in personnel, program and controversial decisions. However, despite the rhetoric in these two new parties, closed party leaderships were able to fully control the most important decisions, including the appointment of their charismatic leaders to serve as prime-ministerial candidates.

Association  
Competence  
(Employers &  
Unions)  
Score: 8

Citation:

May 2018, El País, Podemos leaders win confidence vote, [https://elpais.com/elpais/2018/05/28/inenglish/1527492924\\_821506.html](https://elpais.com/elpais/2018/05/28/inenglish/1527492924_821506.html)

June, 2018, El diario, En qué se diferencian las 'primarias' del PP de las de PSOE, Podemos y Ciudadanos, [https://www.eldiario.es/politica/primarias-PP-PSOE-Podemos-Ciudadanos\\_0\\_784621699.html](https://www.eldiario.es/politica/primarias-PP-PSOE-Podemos-Ciudadanos_0_784621699.html)

During the period under review, 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 (PP) government during the worst years of the crisis. However, this does not mean that trade unions are radicalized or incapable of formulating viable policies. The largest business association (CEOE) has the *Círculo de Empresarios* think tank, as well as the training centers linked to the several chambers of commerce. Other private economic groups include the *Círculo de Economía*, farmer's associations, the National Federation of Fishermen's Associations, some consumer associations, the Confederation of Cooperative Business, and diverse sectoral-lobbying actors (e.g., *Foro Nuclear* on the issue of nuclear energy). Big 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. According to the 2018 GRECO report, the recommendation to introduce rules regarding how members of parliament should engage with lobbyists seeking to influence the legislative process has been only partly implemented.

Citation:

*FUNCAS* (2018), Spain's revised fiscal outlook, [http://www.funcas.es/publicaciones\\_new/publicaciones.aspx](http://www.funcas.es/publicaciones_new/publicaciones.aspx)

*Fedea* (2018), The social cost of unemployment, <http://documentos.fedea.net/pubs/eee/eee2018-22.pdf>

GRECO (2018), Fourth evaluation round, Spain: <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680779c4d>

Association  
Competence  
(Others)  
Score: 6

Lobbying is still not regulated in Spain, and despite the entry into force of the new on access to information, it is still almost impossible for the public to find out who is influencing which decision-makers, with what means, and to what effect.

Non-economic interest associations are relatively weak, 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 as it formulates policy (since the process would then 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 and some NGOs devoted to human rights (such as Amnesty International) or development aid 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 opposing the Catalan government's bid for independence also have experts that conduct research on issues related to independence.

Citation:  
 Octubre 2018, Ecologistas en Acción: "La contaminación por ozono" <https://www.ecologistasenaccion.org/?p=107113>

Societat Civil Catalana (2017), report on deficits of democratic quality, <http://societatcivilcatalana.cat/sites/default/files/tercer-informe-en-ingles-dic-2017.pdf>

### Independent Supervisory Bodies

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 political parties (see "Party Financing"), and

has faced accusations not only of inefficiency but also of nepotism when hiring its own staff. In addition, most autonomous regions have also established courts of audit for their devolved competences.

Citation:

Tribunal de Cuentas (2018), Annual audit programme - [https://www.tcu.es/tribunal-de-cuentas/en/fiscalizacion/Plan\\_Programa/programa-anual/](https://www.tcu.es/tribunal-de-cuentas/en/fiscalizacion/Plan_Programa/programa-anual/)

Ombuds Office  
Score: 7

Article 54 of the constitution regulates the Office of the Ombudsperson (Defensor del Pueblo) as a high commissioner's office whose holder is appointed by the parliament to respond to requests, and to protect and defend basic rights and public freedoms on behalf of all citizens. He or she is authorized to supervise the activities of the government and administration, expressly forbidding any arbitrariness. The ombudsperson is elected by both the Congress and the Senate 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 Ombudsperson 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. Since 2017, there has been only an acting ombudsperson, since political parties have been unable to agree on an appointee. Several autonomous regions also have their own ombuds offices.

Citation:

Ombuds office (2018), Informe 2017  
[https://www.defensordelpueblo.es/wp-content/uploads/2018/03/Informe\\_anual\\_2017\\_vol.I.1\\_Gestion.pdf](https://www.defensordelpueblo.es/wp-content/uploads/2018/03/Informe_anual_2017_vol.I.1_Gestion.pdf)

El periodico (2018), El Defensor del Pueblo critica la presencia de lazos amarillos en edificios públicos  
<https://www.elperiodico.com/es/politica/20180903/defensor-pueblo-lazos-amarillos-espacio-publico-7015671>

Data Protection  
Authority  
Score: 8

The Spanish Data Protection Agency (Agencia Española de Protección de Datos, AEPD) is a public authority that acts fully independently of the public administration. According to Organic Law 15/1999, the director of this body is to exercise his or her functions independently and objectively, and is not to be subject to any instructions. The Advisory Board is made up of two members of parliament, a representative of the central administration, representatives of the autonomous regions that have their own data protection agencies, a local-administration representative, a member of the Royal Academy of History, an expert, a member representing users and consumers, and a representative from the private business sector. The AEPD carries out its investigations primarily

at the request of citizens, although it is also empowered to initiate its own investigations. The agency communicates to the government through the Ministry of Justice. So far there is no evidence that the agency is incapable of holding government offices accountable. Being integrated in a wider international and subnational network of agencies, the AEPD has the capacities and personnel resources to advocate data protection and privacy issues vis-à-vis the government and against vested interests.

Citation:

ORGANIC LAW 15/1999 of 13 December on the Protection of Personal Data

Google Spain SL, Google Inc. v Agencia Espanola de Proteccion de Datos.” Court of Justice of the European Union. May 13, 2014. <https://curia.europa.eu/jcms/upload/docs/application/pdf/2014-05/cp140070en.pdf>

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