

SGI Sustainable
Governance
Indicators

2014 Spain Report

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Executive Summary

By mid-2013, Spain had limped into its sixth year of uninterrupted deep economic crisis produced by a combination of internal, European and international factors. Its domestic weaknesses had been accumulated in an earlier decade of growth (which lasted until a property bubble burst, shortly after the 2007 – 2008 U.S. financial collapse) and basically consisted of a systematic external deficit, the deep indebtedness of families and companies, a general loss of competitiveness, and a high dependence of jobs, public revenues or banks on real estate. Since 2010, when the global crisis mutated into a sovereign debt crisis that hit southern European countries hardest, the European Union's flaws (the fragile institutional design of the eurozone or the too loose European Central Bank monetary policy during the 2000s) also became evident. And, although Spain also took advantage of some EU support and was encouraged by Brussels to initiate much-needed structural reforms, the imposition of very rigid fiscal austerity has not helped.

The previous period under review by the SGI (2008 – 2010) was difficult but, by comparison, the policy outcomes are now worse in most domains: higher unemployment, levels of public debt that are difficult to sustain, less input for education or research and growing social inequality. Additionally, this recessionary environment has had a negative effect on the interaction between government and society, and on the international position of the country. Social unrest has eroded legitimacy and trust in the institutions, while the image or the influence of Spain abroad has suffered significantly. These circumstances have also fuelled some centrifugal tensions that already existed, most notably in Catalonia.

However, it would be deceptive to focus all attention on the gloomy indicators and none on some positive parameters concerning policy performance, governance capacities and quality of democracy. After all, important reforms were launched, which have possibly paved the way for economic or institutional improvement and future sustainability in some policy areas. Besides this, and despite the sizeable problems, the functioning of Spanish democracy stands firm (as the normal alternation in office of center-left and conservative, stable governments and the absence of populist phenomena

show). It can be even argued that the disaffection, peacefully channeled through demonstrations (such as the Indignants Movement started on 15 May 2011) and other mechanisms may help to improve the future quality of the political system, with citizens more involved and critical toward long-established defects such as the excessive concentration of power on party machines, lack of transparency in the administration and a non-negligible degree of corruption.

After the November 2011 national elections, the social democratic government led by José Luis Rodríguez Zapatero was replaced by the center-right-wing Popular Party (Partido Popular, PP), which achieved 44% of the vote – enjoying an absolute majority in both the Senate and the Congress of Deputies – and elected Mariano Rajoy as prime minister. The new government has implemented tight adjustment measures, although it cannot be said that a radical policy change took place, given that Zapatero himself had adopted since May 2010 a program of fiscal consolidation, partial structural reforms in the job market and pensions system, and even a balanced budget amendment in the constitution passed in September 2011. In fact, any Spanish government willing to keep the euro would have had little room for maneuver in general policymaking. A countercyclical stimulus strategy based on infrastructures and tax rebates, adopted from 2008 to 2010, was unable to boost the economic recovery. Then, only some months after the emergence of a worrying public debt crisis in Greece, the government – urged by the European Union and other countries – realized that the rapid growth of Spanish public deficit might endanger the future of the entire single currency project. Since then, and even though both Zapatero and Rajoy governments turned down several times the external offers of a complete rescue plan for the country using the newly created European stability facilities, the economic policy was absolutely conditioned by the guidelines formally or informally sent by European institutions and by Germany as the main creditor and most powerful EU member state.

Under such circumstances, the management of the crisis from 2011 to 2013 has been based on three ingredients: a restructuring of the ailing banks, a very restrictive fiscal policy and an internal devaluation process. The banking reform was intended to break the vicious circle between the banking sector and the sovereign debts but this implied a restructuring and recapitalization of savings banks – unpopular and onerous measures, including a partial EU bailout for the sector in May 2012.

Regarding fiscal policy, the commitment to Brussels to reduce the deficit to a threshold of 3% in 2013 proved too ambitious for an economy in recession and

Spain missed targets during the entire period. Moreover, the tax rises and cuts in public spending reduced domestic demand even more, thus worsening the recession and aggravating the fiscal deterioration with public debt reaching 92% of GDP and high cost of borrowing at the end of the period under review. During 2012, markets even seemed to have lost confidence in the Spanish economy as the risk premium (the extra return investors demand to buy Spanish bonds instead of safe German debt) shot to a record high of more than six percentage points. Therefore, austerity was the price to be paid in order to receive external help from EU institutions and partners – an objective largely obtained during the second half of 2012 when the European Central Bank (ECB) started a game-changing program that included buying bonds from peripheral members, the European Commission accepted more flexible deadlines to achieve the deficit targets, and Germany supported the establishment of a banking union.

Thirdly, the internal devaluation was intended to restore the international competitiveness and diminish the external deficit. It is a process that may be considered successful, taking into account the unprecedented surge in Spanish exports (which is helping to lower the trade deficit and is contributing to a radical turnaround in a current account that had showed a surplus since 2003), although it is also socially painful in terms of lower salaries and quality of jobs. The main instrument to achieve the internal devaluation was a package of labor market reform introduced in February 2012 by the PP government that cut the maximum severance pay that employees could receive and gave companies greater flexibility to adjust working conditions and wages. Yet, this radical reform – which has undermined the power of unions – still has to demonstrate its effectiveness in creating jobs or reducing a dual labor market in which the share of workers with temporary contracts is the highest in the eurozone.

Nevertheless, during the last three years, Spain has managed to gain productivity, to reduce private sector debt and its dependence on external funding, and to introduce tighter fiscal rules that may allow more sustainable economic performance in the future. On the other hand, the prolonged recession and the budgetary cuts have produced worse outputs than three years ago – especially in labor policy (a 25% unemployment rate which is the second highest in the European Union after Greece), research and innovation, education and most welfare policies (health care, families and social inclusion). In contrast, the integration of immigrants and internal security are policy areas in which Spain continues to rank relatively high – two noteworthy exceptions considering that there are 5 million jobless workers and that 5 million immigrants had arrived in the country during the earlier prosperous decade. On

environment, the result is ambiguous since some positive trends in the outcomes (mainly because of the crisis reducing energy consumption, limiting construction works and preventing further littoral destruction) are counterbalanced by less attention to renewables or pollution. Finally, the contribution of Spain to global public goods is rather mediocre. In spite of being one of the 10 OECD countries with the largest international presence and extensive diplomacy, the government maintained a low-profile approach on international economic matters while reducing its cooperation with developing countries and its commitment to global environmental protection regimes.

The crisis has not significantly eroded the relatively high quality of democracy in terms of civil rights and political liberties. However, opaque party financing and several corruption scandals (although most cases now under investigation actually took place during the housing bubble years) materialized as significant faults of the political system. The process of appointing justices got somewhat worse as well. And the independence of the media from the government, in which Spain had made important progress during the preceding years, suffered some reversal.

Lastly, regarding the governance capacities of the Spanish political system in terms of its steering capability and accountability, the results are very much influenced by the absolute majority enjoyed by the Rajoy government, which was appointed in late 2011. On the one hand, a strong single-party executive has introduced a more strategic vision, has reinforced to some extent the central organization of policymaking through the prime minister and Government Office (Ministerio de la Presidencia, GO), and has slightly improved interdepartmental coordination, ministerial compliance, self-monitoring and control over regional finances. On the other hand, the interaction with the legislature, the subnational governments and social actors has become less balanced. The government does not much care to negotiate public support for its policy decisions, is trying to narrow the scope of discretion formally enjoyed by the autonomous regions and is strong enough to circumvent close scrutiny by the opposition in the General Courts.

Key Challenges

Spain has been in economic recession almost constantly for five years and this, combined with significant cuts in government expenditure, has resulted in much worse policy outputs than in the period under analysis in the previous SGI (from May 2008 to April 2010). However, regarding the strategic reform capacity, the assessment is quite different to that of three years ago. From May 2010 onwards, both the social democratic government and its conservative successor, which came to office in December 2011, have launched numerous reforms in an attempt to deal with the crisis: a major transformation of the fiscal policy, a profound revision of the labor market and the pensions scheme, the restructuring of the banking system and some other minor reforms on education or public administration. Spain has undertaken these socially painful reforms with political encouragement and some economic support from the European Union, although it has also suffered the excessive emphasis placed by Brussels and other important partners on austerity instead of growth initiatives. By mid-2013, some positive signs in economic performance suggest that the adjustment may be quicker than expected but, of course, Spain still faces several challenges not only on the sustainability of policy performance, but also on the legitimacy of the entire political system.

To start with the strategic outlook of the economic policy, the first evidence is that Spaniards have fully realized that their economic success from 1994 to 2008 was built on shaky foundations. However, there is a widespread disagreement as to how to deal with the necessary adjustments. The Rajoy government, which enjoys a solid absolute majority in the bicameral General Courts, decided that the first priority was to convince the markets that Spain was able to avoid a sovereign default or a prohibitively expensive bailout that may force the country to abandon the eurozone. For this reason, the strategy combined actions at two levels. At the EU level, through different attempts to get some support and flexibility and, above all, to promote further integration by strengthening the design of the currency both economically and politically. At the domestic level – considering the strong preferences of EU institutions or the creditor member states and, to some extent, the Popular Party (Partido Popular, PP) itself – the goal was to restore economic health through fiscal austerity, reduction of private debt, the recapitalization of ailing banks and an internal devaluation oriented to regain international competitiveness.

The truth is that the government has largely attained these objectives: firstly, at the fiscal front, different short-term packages of spending cuts or tax increases combined, in the longer term, with much stricter legal control to impede budget deficit by any public authority have helped to overcome the risk of default or redenomination, without need of an external bailout. Secondly, the financial sector reform (with mergers and higher capital requirements) has reduced uncertainty about the strength of banks' balance sheets, although domestic credit conditions are still hard. This, along with a rapid real estate adjustment, has helped to convince international investors who are regaining confidence in the sustainability of the Spanish debt and the irreversibility of the euro or the attractiveness of the country for FDIs in business. And, finally, the internal devaluation is advancing steadily, improving the current account balance through a remarkable success in exports as an alternative source of growth to traditional internal consumption, thus moderating unemployment figures. In less than three years Spain has almost reversed half of the price-competitiveness loss experienced by its economy vis-à-vis Germany in the years of the boom. And now, while most European countries have lost global exports market share to varying degrees, the number of Spanish companies who export has grown remarkably, showing what they can do to survive in times of difficulty.

All these achievements are the result of combining unpopular internal reforms and some successes in Brussels: a general improvement of the Economic and Monetary Union architecture and specific support measures for Spain (extra time to curb deficit and a loan oriented to the more vulnerable savings banks that were too dependent on real estate). Notwithstanding this, in order to be definitively saved, Spain still requires more external help and European political ambition, which at the end of the day entails some form of debt mutualization.

Nevertheless, the main strategic challenges for the future economic policy performance of Spain are still domestic, both at the fiscal front and, above all, in the capacity to create jobs. Despite the austerity policy implemented since 2010, fiscal weakness persists with a gap between public spending and tax receipts that, unless there is an unlikely fast and solid recovery, will oblige Spain either to meet further borrowing requirements, to implement additional cuts or – probably better – to obtain more revenues (combating tax evasion, which remains high, or upping environmental taxes which are currently the lowest in the European Union). On unemployment, it is true that the destruction of jobs has recently reversed thanks to a stronger competitiveness that, however, cannot be eternally based on wage cuts. Therefore, much more effort

to promote a new growth model based on education and innovation is required.

Evidence suggests that the current Spanish education and R&D systems are hindering the move toward a more knowledge-based economy. Compulsory education and universities are not characterized by excellence: the number of early school leavers is double the EU average (although figures are falling from a peak during the construction boom, when students had strong incentives to drop out of school at 16 and start work), the results in the OECD's PISA tests are poor, and there are only three Spanish universities among the world's top 200 in academic rankings. Spending on research and innovation is at only 1.3% of GDP – below that of other advanced economies. The government has repeatedly declared that more attention to education, innovation and entrepreneurship is strategically needed to change an economic model too dependent on real estate and tourism. Moreover, Spain has the potential to achieve this objective (as shown by good scientific research results when resources are available, the high attractiveness of the country for foreign students and the fact that some leading graduate schools are among the best internationally). However, since 2011 the government has only reduced – severely – expenditure on education, universities and research. The only reform that can scarcely be considered as structural, is a new draft law on the quality of education that includes an earlier choice of subject specialization, encouraging greater take-up of technical courses, more independence for schools with funding somewhat linked to their quality, and different disincentives for students who fail to get good marks. The latter is a controversial measure that tries to encourage merit performance among students but may increase inequality as well.

The priority given to immediate crisis management, combined with the resulting lack of money, has had a worrying effect on other “expensive” policy domains – social and environmental – that also require strategic attention. It is true that, despite the recession, Spain's per capita income is \$30,000 in purchasing power parity terms, but the crisis has amplified inequality and undermined all social programs. A major crisis relies on maintaining social cohesion in the short run, as there is a risk that the costs of austerity and internal devaluation may become unsustainable, and also in the longer run, since the spending cuts in health coverage, education, inclusion and family policies may increase tensions between the “haves” and the “have-nots.”

The ageing population is another major challenge. The average Spaniard today lives 81.6 years, the birth rate is extremely low (1.3) and forecasts suggest that one-third of Spain's population will be aged 64 or over by 2050 (17.4% in

2012). This is obviously connected to future immigration and the integration of foreign workers (a dimension in which Spanish society has remarkably avoided bigotry so far, although it may worsen in the next generation) but also to the sustainability of the pay-as-you-go pension system. In recent years, the number of social security contributors per pensioner has dropped from 2.3 to 1.8 and, although the Rajoy government has promoted two reforms (to raise the retirement age and to recalculate the pension on the basis of the economic situation and a longer period of the worker's earnings), it remains to be seen if this will be enough to guarantee sustainability and, assuming that this will be the case, the impact of lower pensions on the social well-being of older people.

With regard to environmental sustainability, the current government does not show much concern despite the risky position of the country concerning global problems such as desertification and climate change. Spain, which needs to import most of its energy, has decided to reduce its earlier – wise but certainly expensive – stake in renewable energies.

Lastly, one policy area that also requires much more strategic attention is a transversal one: foreign affairs. The period 2011 – 2013 has been the least rewarding for Spain's international standing in the last quarter of a century, eroding the influence of Spain as a middle power. The crisis has not only undermined the external prestige of the country's history as a political and economic success but also drastically reduced its capacity for contributing to global governance in security or economic realms and in cooperation for development. However, it is also true that Spanish international presence is still remarkable and both the government and society, having realized during the crisis how interdependent Spain is with the rest of the world, are now willing to adopt a more strategic external action.

But perhaps the most complex challenge that Spain must grapple with in the aftermath of the economic crisis is not about policy performance but, rather, the legitimacy of its entire political system. Most Spaniards are dissatisfied with the way their democracy works and this disaffection toward institutions has been combined with peripheral nationalism in Catalonia to become a widespread call for secession. The renewal of the constitutional pact now seems unavoidable – dimensions to be addressed include the appropriateness of the territorial structure to the asymmetric demands of self-government and the empowerment of citizens who tend to consider the policymaking process too dominated by party machines, EU technocrats and interest groups. Thus, and without ignoring the important strengths of the Spanish party system and the stability of the government when compared with other southern or even

Northern European countries, some structural reforms need to be undertaken on the institutional and governance dimension. The most critical ones definitely refer to the opaque party financing system – which is the main source of corruption – the difficult access to government information (despite a new, but very timid, law on transparency) and other mechanisms of control which need improvements or safeguards, like intra-party democracy, resources for stricter parliamentary accountability, guarantees of media freedom, and a more effective and neutral judicial system. The poor quality of regulation, with scarce use of evidence-based instruments to assess its impact, is another dimension which must be improved.

Finally, a more balanced and fluid interaction between the government and the other political actors is also much needed. Because of the electoral system and the operation of the executive and the legislature, the nature of the Spanish democracy is rather majoritarian, with pros and cons vis-à-vis the consensus model. However, the crisis has shown the worst face of adversarial politics. Before the crisis even began, political confrontation was taken to the extreme of overshadowing any sense of the common good and ignoring the strategic reforms that the country required for a sustainable policy performance. After the crisis hit, the government imposed important decisions with little effort to build public support or to negotiate with the opposition, autonomous regions or social groups.

This style has contributed to the alienation of citizens from the political system. Nevertheless, the general public, which is often depicted as demanding a radical change or even a break-up of Spanish institutions, is perhaps not as frustrated as it appears. Citizens are critics because they want a better democracy – for example, one that is able to re-accommodate national pluralism in the case of Catalonia – but the majority of them are moderates who have improved their policy knowledge during the recession years and are pushing for more proximity between outputs and their preferences. According to the polls, they still agree on the fundamental pillars of Spanish democracy (economic and social modernization, a sustainable welfare state, a semi-federal state and Europeanism) but demand new institutional arrangements that may stimulate more power-sharing and sustainable governance.

Policy Performance

I. Economic Policies

Economy

Economic Policy
Score: 5

Since mid-2011 to mid-2013 Spain has sunk into a deep recession. The sovereign debt crisis of the European periphery started only two years after the 2008 global financial crisis, and has exposed serious internal structural weaknesses linked to a real estate bubble and massive losses of productivity from 2000 to 2010. Spain, as a member of the eurozone, has dealt with a very difficult situation without monetary and exchange rate policies and with virtually no flexibility in its fiscal policy. Moreover, the flaws in the design of the euro have seriously damaged the functioning of the eurozone interbank system, making it difficult for Spanish institutions to refinance their debts. With sovereign risk at unsustainably high levels, social unrest on the rise and growing doubts about the banking system and autonomous regions' finances, it is not surprising that, after Greece, Spain has been a major object of international concern.

However, and according to Powell and Steinberg (2012), the Spanish economy is undergoing its adjustment process faster than is commonly understood. Since 2011 spending cuts and structural reforms (labor market, enterprise policy, tax policy) are proceeding at a rapid pace, unit labor costs are falling significantly and productivity is rising. Most encouragingly, despite the strength of the euro, exports are booming and FDI is increasing. This means that provided Spain is given adequate access to external finance and more flexibility to meet its fiscal targets as a member of the eurozone, it may be able to return to a sustainable rate of growth in the near future.

Citation:

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

Labor Markets

Labor Market Policy
Score: 3

Spanish labor market policies have shown very limited success from 2011 to 2013 and the high unemployment rate has actually risen during this period, reaching a painful figure of 6 million unemployed workers for the first term of 2013 (27.16%). Unemployment particularly affects low-skill occupations, immigrants, women and young people. There is also a severe mismatch between workers' qualifications and job availability, with many highly skilled employees not making adequate use of their expertise and capabilities. The debate on labor market reform has focused on two primary issues: the inflexibility of employment regulations (particularly concerning layoffs), and the existence of a dual labor market in which an enormous 35% of the workforce serves under temporary contracts and has no job protection, in contrast to the overprotected 65%.

Other issues playing an important role in this situation are the rigidity of Collective Agreements and the effects they had until 2010 in the increase of salaries, or the high public expenditures on unemployment benefits, which have continued to increase in this period. The Popular Party (Partido Popular, PP) government passed a radical reform of the regulation in all these areas (Royal Decree Law 3/2012) with measures such as reinforcing the temporary job companies as employment agencies; fostering the training contract and the extension of the eligible age (up to 30); introduction of new permanent contract to SMEs with fiscal benefits; bonuses for hiring groups especially affected, such as young and older people; restriction of the succession of temporary contracts and modification of the part-time contract; introduction of the possibility of modifying the functions of employees, as well as their workday and salary; prioritizing the enterprise agreement over the collective with the aim of moderating wages, etc.

Nevertheless, this new labor reform has had no significant effects so far, as the Spanish economy as a whole kept getting worse until mid-2013. Notwithstanding this, from its peak in February 2013 the total number of registered unemployed workers has started a relatively significant reduction in all economic sectors except agriculture (and 20% of the new contracts were directly connected to a new contract modality introduced by the labor market reform). Finally, it has to be mentioned that public spending in labor policies now represents an important percentage of GDP (from 2.2% in 2007 to 3.9% in 2010) mainly as a consequence of unemployment benefits.

Citation:

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

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Taxes

Tax Policy
Score: 5

On the fiscal front, two major reform packages have been announced by the current center-right Spanish government. The first one was decided in December 2011, only a few days after Prime Minister Mariano Rajoy took office, and the second was passed in July 2012, when the risk that Spanish public debt may become unsustainable – forcing a Greek-style haircut or/and bailout that could trigger a collapse of the euro – was scaring away international investors. Both packages consisted of tax increases (above all, VAT but also direct income taxation) and remarkable spending cuts adopted to control the budget deficit. Thus, decisions concerning tax policy during these years have been strongly influenced by the economic crisis and short-term considerations, without a comprehensive underlying logic driving the process. These reforms have improved slightly the goal of generating sufficient public revenues even if the recession and subsequent fall of domestic demand might not result in substantial additional revenues capable, at least, of reducing public deficit.

At the same time that individuals suffered tax increases, small- and medium-sized companies have profited from a tax cut intended to help stimulate the economy. However, the goal of competitiveness has not improved overall since the increases in indirect taxation have negatively affected the already diminished rate of private consumption. Finally, Spanish taxation policies do not appropriately discriminate between groups with similar tax-paying abilities who belong to different categories or by making those with much higher economic capacity pay more. This is basically the consequence of tax engineering and even evasion – which is much easier for companies and professionals – reinforcing the deficiencies of the system in terms of horizontal and vertical inequity. It will not be the wealthier sector of the population, but medium- and low-income workers who will be penalized with comparatively higher tax wedges.

Budgets

Budgetary Policy
Score: 5

Even if the Spanish economic crisis has many dimensions (high unemployment, banking sector problems, private debt, low productivity and added value, rigid labor market, etc.) budgetary policy has perhaps been the top priority from 2011 to 2013. The spending cuts implemented by the current government and its predecessor in an attempt to reduce the deficit and public debt have been the main economic strategy – in fact, the only one considering the small margin for implementing any other fiscal policy, the absence of autonomous monetary policy and the risks of insolvency that may have forced Spain into a bailout scheme with its long-term borrowing costs exceeding 7% in July 2012.

The most important initiatives in this domain have been the constitutional reform agreed in September 2011 between the then-socialist government and the Popular Party (Partido Popular, PP) opposition to change Article 135 which establishes the obligation of a balanced budget and requires that the state give public debt payments priority over any other expenditure, and the Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations. It is obvious that, with the highest public deficit of the European Union during 2012 (10.6% GDP including the banking bailout) and public debt near 100% GDP, the budgetary policy has not realized the goal of fiscal sustainability.

However, these imbalances must be considered in the context of the severe economic crisis. In fact, the spending cuts have been achieved with remarkable effectiveness by central and regional governments (effective from an austerity-ridden fiscal policy perspective) and the fact is that public deficit is now caused by a fall in revenues rather than by uncontrolled spending. By mid-2013 – also thanks to more flexibility in the EU calendars to curb deficit – the government has regained some credibility with respect to its capability to produce accurate estimates and, if economic growth consolidates, the long-term sustainability of Spanish public finances will have improved with respect to 2010.

Research and Innovation

R&I Policy
Score: 3

Spain has never been a leading example of research and technology policy, as evidenced by the relatively poor ranking of its universities, the reduced number of patents registered and other indicators of public or private support to innovation, which are far below other advanced economies. Although it is true

that there has been an increase in the public spending devoted to innovation since the turn of the century, the crisis has hit this strategic field and the draconian cuts implemented in the last three years have worsened the earlier situation – which was not brilliant, either. The last figures show a deep decrease in investment in R&D, reaching only 1.33% GDP while the European Union and OECD averages are above 2%. The Ministry of Science and Innovation actually disappeared in 2012 when it merged within the Ministry of Economy.

The government's pledge to promote a new model of economic growth based on brainpower rather than on construction after the bursting of the housing bubble has not been reflected in the budget. On the contrary, the national research council CSIC (the largest Spanish scientific institution with 6,000 scientists and more than a hundred institutes) signaled in 2013 that a “catastrophe” in its research centers may happen if no extra money was found. Its budget has fallen by 30% from 2008 levels, and it only offered 13 permanent positions in 2013, compared with 263 in 2008. At regional level, the promotion of research has also suffered a lot. Many promising young researchers are going abroad since it is difficult to be scientifically competitive in a climate of such uncertainty with scarce resources and excessive bureaucracy. The only positive side of this dangerous situation with its draconian constraints and dangerous brain drain, is that public awareness of the relevance of R&D policies has grown significantly.

Citation:

<http://epp.eurostat.ec.europa.eu/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=tsdec320&language=en>

<http://www.elmundo.es/elmundo/2013/05/14/ciencia/1368531982.html>

Global Financial System

Stabilizing Global
Financial Markets
Score: 7

Spain, though aware of its limitations as an economic middle power, behaves as an important partner in international fora and tries to contribute actively to improve the regulation and supervision of financial markets, as one of the countries which has been particularly hard-hit by the global economic crisis and financial instability since 2008. It participates in the G-20 meetings as a “permanent guest.” It is also part of the IMF system (with 1.63% of the votes), the World Bank (1.70%) and the Financial Stability Board. It has also been engaged within the OECD in the fight against tax havens (including its neighboring territories of Andorra and Gibraltar).

At the European regional level (but with a global impact) Spain is a member of the European Union and the fourth most important state of the eurozone, pushing hard from 2011 to 2013 toward a banking union and a more active role for the European Central Bank in strengthening the single European currency. It has also asked for better regulation of rating agencies. In the private financial dimension, the Madrid stock exchange plays a relevant role while Banco Bilbao Vizcaya Argentaria (BBVA) and Santander (currently considered the best bank in the world by some expert surveys) are important international banks. As a negative aspect, the country has needed a bailout approved by the European Union in June 2012 for Bankia and other smaller former savings banks.

Citation:

<http://www.imf.org/external/np/sec/memdir/members.aspx#S>

<http://siteresources.worldbank.org/BODINT/Resources/278027-1215524804501/IBRDCountryVotingTable.pdf>

II. Social Policies

Education

Education Policy
Score: 5

The mediocre results Spain gets in PISA reports or in universities' international rankings have facilitated a social and political momentum for launching reforms. After the failure of an attempt promoted by the former socialist minister Angel Gabilondo in 2011, the new Popular Party (Partido Popular, PP) government has decided to take advantage of its absolute majority to implement a controversial reform. A draft law for "improving the quality of education" (also known as the "Ley Wert," in honor of the conservative minister for education) was passed in 2013. The initiative is ambitious but it lacks a wide social consensus from parents or teachers and it is not well funded. As is shown from its very title, that law focuses more on quality than on equity.

Since the 1980s the goals of creating a Spanish education system that guarantees equality of opportunity for students and increases the graduate output of upper secondary and tertiary education have been largely achieved, despite problems of quality and others related to efficiency problems (such as early school leaving for almost 25% of the young population or a poor contribution from education policy toward providing a skilled labor force). Notwithstanding this, there is now an observable drop in school failure and

more emphasis on professional training. On the other hand, there are fears of a decline regarding equity, because of the cuts in education spending since 2011 (now expenditure only reaches 5.6% GDP, far below the OECD average of 6.3%) and the increase in fees or conditions to get funding and scholarships, which could expel poorer students from the system. Thus the scores for this period are: quality 4 (increasing toward 5); equity in access 6 (declining toward 5) and efficiency in resource allocation 5 (stable).

Social Inclusion

Social Inclusion
Policy
Score: 5

Social exclusion remains a perennial problem for Spain: 20% of Spaniards lived under the poverty threshold before the crisis. Among the groups with a higher risk of marginalization are the young unemployed, elderly people with low pensions, and immigrants. Women (particularly those with a precarious employment and heading a single-parent family) are also in more danger than men. The long recession in 2011 – 2013 has led to a further impoverishment of vulnerable households, broadening the gap between these and the wealthiest sectors of the population (the Gini coefficient shows that Spain ranks as the 7th most unequal country in the OECD, in a better position than the United States but worse than Greece or Poland).

Due to the economic difficulties, the social spending cuts and the growth of unemployment, social exclusion has increased. However, Spain is still in the average of OECD countries regarding welfare spending on the pension system, family, health and integration policies. The current government has not been very active in fighting against social disparities but it approved a draft law in 2013 that tried to help societal inclusion of people with disabilities.

Health

Health Policy
Score: 6

The relatively well-considered (in terms of quality, inclusiveness and cost efficiency) Spanish public health care system has suffered remarkable budgetary cuts during the period 2011 – 2013. The most significant adjustment measure introduced was the Royal Decree Law of “Urgent Measures to Guarantee the Sustainability of the National Health System and Improve the Quality and Security of its Prestations” in April 2012. This new legislation meant: (1) refusal to give assistance to unregistered immigrants and (2) an increase of the percentage of medicines paid for by the users, including senior citizens (who have now to pay 10%) and general workers (40% to 60% depending on their incomes). Following this reform, the inclusiveness of the system has eroded while cost efficiency has improved, particularly regarding

pharmaceuticals. However, health care spending still absorbs a large amount of public money, representing approximately 9.3% of GDP – near the OECD average.

Whereas the current economic crisis makes the situation very difficult in the short run, population aging trends (in 10 years time, one out of five Spaniards will be over 65 years old), chronic disease proliferation, new and highly expensive treatments, and a general abuse of free medical appointments put the sustainability of the system at high risk in the medium and long term. Quality has deteriorated in recent years. The most recent reports emphasize deficiencies in patient rights and sickness prevention. There is also significant interregional inequality. Waiting lists continue to grow, and the use of alternative private services has increased accordingly, thus further lowering inclusiveness.

Families

Family Policy
Score: 5

Family is a social group traditionally abandoned by Spanish public policies, with no political will from either leftist or rightist governments to help it. While the socialists have tended to consider family as a conservative concept in itself, the Popular Party (Partido Popular, PP) has not devoted much effort to changing traditional family patterns (preferring mothers to focus on household and child-care work) and has cut economic aid for families – a trend intensified as a result of the economic crisis and budgetary constraints. Since 2010, policies fostering opportunities for women who want to combine parenting and employment have been reduced.

The “cheque bebe” (a €2,500 benefit payable to families for every newborn or adopted child) has been eliminated and the paternity leave program introduced in the mid-2000s receives minimal use, while further measures are needed to instill a culture of shared responsibility for child care. The moratorium in implementing the National System of Dependency (for care of dependent people) does not make it easy for women to free themselves from the burden of family care. In general, timid government action and traditional gender roles deeply rooted in Spanish society keep women in an unequal position. Even if the Ministry of Employment tries to ensure employers’ compliance with legislation on non-discrimination in the workplace, the wage and pension gaps between men and women comes close to 20%. Women’s employment rate is also much lower than that of men.

Pensions

Pension Policy
Score: 6

Spanish pension policy largely achieves the goal of poverty prevention (7), but only partly the goals of fiscal sustainability (5) and intergenerational equity (5). The pension system represents the largest single piece of public spending (€120,000 million) and, in contrast with cuts suffered in salaries and subsidies as a result of the austerity measures or labor market reform, Spanish pensioners have maintained their purchasing power during the crisis years. Thus it seems that the goal of poverty prevention has been accomplished and now the elderly are perhaps less economically vulnerable than active but unemployed workers or other young inactive people without social benefits.

It cannot be said that the Spanish pensions system ensures equity among pensioners, the active labor force and the adolescent generation. The system actually does not have intergenerational equity as an aim since it is not explicit which burden carried by which generation should be the fair one. The model is instead based on the pay-as-you-go methodology in which current contributors to the insurance system pay the expenses for the current generation of recipients as that generation did for the previous generation. To be sure, there are accumulated reserves and the rights of new retirees have always been respected so far, but the model is based on the expectancy that the following generation will be able to cover the necessities of the previous one and, therefore, it depends on maintaining growth and increasing productivity to compensate for the aging of the society.

This aging process is leading to an unsustainable population pyramid – worse in Spain than anywhere else in Europe – which, in combination with the impact of the crisis, reopened in 2011 – 2013 the debate about the long-term fiscal sustainability of the pension system. Pessimistic forecasts show a growing deficit and an increase in the weight of pensions in relation to GDP from 8% in 2005 to 15% in 2050. Concerned about this problem, the current government is about to implement a radical reform (based on a report authored by a consultative committee of experts in 2013) which will accelerate the delay in the retirement age and will render more difficult the induced early retirement (an onerous mechanism frequently used in the past).

At the same time, the contribution period taken into account to calculate the amount of the pension will be significantly longer, thus encouraging Spaniards to complement their public pension plans with private schemes. The most crucial point is the cancellation of the pension indexation which can cause

long-term effects on poverty and inequality. Nevertheless, even before this reform now in progress was announced, the Spanish pension policy had already introduced recent changes oriented to improving fiscal sustainability. Law 27/2011 on the updating and modernization of the social security system, which was approved under the socialist government, considered a delay of the official retirement age from 65 to 67 years old and also introduced the evolution of the life expectancy and the economic growth as parameters to bear in mind in future revisions of the system – which would take place in principle every five years.

Citation:

www.lamoncloa.gob.es/ConsejodeMinistros/Enlaces/280111-enlacepensiones.htm

Integration

Integration Policy
Score: 6

Spain is a strikingly successful case for the tolerance of a population toward immigrants. It actually ranks first in the European Union (according to a report published by the British think tank Demos in 2013) as the most tolerant country when people are asked about having immigrants as neighbors (see “Non-discrimination”). There are no discriminatory policies and no relevant xenophobic populist parties exist, while violent attacks on immigrant groups are very rare. These achievements are even more striking if we consider the very high unemployment rates and the fact that, in only the last decade, some 5 million immigrants arrived in Spain (up to 12% of the population, although this figure is now falling with many jobless foreign-born residents returning to their countries of origin). Apart from some western Europeans looking for a second home “under the sun,” the bulk of immigration during the 2000 – 2010 period came from poorer countries, typically consisting of young Eastern Europeans, Latin Americans and Africans in search of jobs and better living conditions.

Nevertheless, if Spain has so far lived in harmony with these newcomers, it was not necessarily courtesy of effective integration-related policies. Rather, it was a positive combination of a tolerant culture, the fact that most immigrants are first-generation ones and, in the case of Latin American immigrants, with language and cultural links. As for the Muslim population, although most of them are moderate and well-integrated into Spanish society, some radical groups involved in recruiting and fundraising for al-Qaeda have also been uncovered. The public perception of immigration has deteriorated somewhat recently as a consequence of the economic crisis; it is increasingly common to hear the argument that immigrants are no longer a source of revenues, but are

instead putting further pressure on the country's social services and public spending. However, the tendency toward integration on the part of immigrants seems quite positive.

Citation:

Jonathan Birdwell, Chris Tryhorn, Sebastien Feve and Natalia Vibla. 2013. Report "Backsliders: Measuring Democracy in the European Union." London: Demos.

Safe Living

Safe Living
Conditions
Score: 8

Spain performs satisfactorily in protecting citizens against security risks in comparison with other OECD and European countries. The official data shows that general delinquency and homicides are low and the crime rate even decreased in the first quarter of 2013 (already in 2012 Spain was far below the EU average). There has been a moderate growth of thefts with violence but, considering the high unemployment and some reduction of public expenditure on law and order policies, the overall situation can be considered quite successful.

However, the impact of the current economic crisis has contributed to an increase in the subjective feeling of insecurity, and public opinion continues to press for additional preventive measures. It must also be mentioned that, during the period examined, one of the main Spanish security problems since the 1970s ended as the Basque terrorist group ETA announced in October 2011 that it would definitely cease violence. The government of Spain and its citizens are also concerned that the country remains a principal target for Islamic extremism but Spanish intelligence and police communities have demonstrated their effectiveness at fighting this risk in recent years. Finally, a renewed security strategy (combining internal and external risks) was approved in spring 2013.

Global Inequalities

Global Social Policy
Score: 5

In line with the efforts to fight the public deficit, Spanish international cooperation to development has suffered an extreme adjustment with cuts in the budget of the Spanish Aid Agency AECID within the Ministry of Foreign Affairs and Cooperation. Currently, Spain only gives 0.15% of its GDP to official development assistance, far below the levels of 2008 (when Spain reached its peak in international development aid with around €5 billion, or 0.45% of its GDP – the seventh-highest level of aid among the world's donor countries) or the aim of arriving at 0.7%, which was promised by the former

Prime Minister, José Luis Rodríguez Zapatero before the crisis kicked off. Now, Spain – even if still engaged in international efforts to promote development – is performing badly in comparison with the other members of the Development Cooperation Directorate (DCD) of the OECD. In addition, the new focus of Spanish external action since 2011 under Rajoy's government – more business-oriented – has meant less political attention to development and contributions to global public goods. However, a new multiannual Cooperation Director Plan was approved in 2012 to introduce more coherence with other policies, such as trade, and foster specialization and division of labor with the European Union and other EU member states' development strategies.

Citation:
www.aecid.es/es/

III. Enviromental Policies

Environment

Environmental
Policy
Score: 4

Despite some positive trends (mainly because of the crisis, which has reduced energy consumption, limited construction work and has prevented further littoral destruction), the current Spanish environmental policy cannot guarantee completely the sustainability of nature and the quality of the environment.

Concerning climate, energy and air pollution, a report released by the World Wildlife Fund shows a decrease in greenhouse gas emissions since 2008, although those emissions are not yet within the maximum threshold allowed by the Kyoto Protocol (118.68% against the 115% permitted) and may increase again if the economy reactivates in the future. A law decree passed in January 2012 terminated – at least temporarily – the economic incentives for renewable energies, changing the path followed in previous years and jeopardizing the leadership gained by Spain in solar and wind energies (the new government seems to prefer a pricing policy aimed at encouraging energy saving in a country extremely dependent on external supply). Air quality is still a huge problem mainly in big capitals, such as Madrid and Barcelona – both currently at risk of being sanctioned by the European Union for violating pollution limits. Finally, recycling has improved, showing an increase from 21% in 2001 to 33% in 2010, but Spain is still far off target and will have to make an extra

effort to meet the 50% target of the Waste Framework Directive of the European Union by 2020.

Regarding water resources, the situation is better but thanks to considerable rainfall since 2009 (despite a dry winter in 2012) the government has been able to postpone the extremely controversial transfers of water between different basin areas or the building of very expensive desalination plants that were included in the different hydrological national plans of previous decades.

With regard to the protection of natural resources and biodiversity, the assessment is mixed. On the one hand, the reform of the 1988 Sea Coast Law (Ley de Costas) intends to deregulate coastal activities and, thus, restart construction pressures on the coast. On the other hand, the 15th national park (Cumbres del Guadarrama in the provinces of Madrid and Segovia) was launched in 2013, continuing the trend of better safeguards for wildlife ecosystems. Furthermore, and despite public spending cuts, the fight against forest fires has become increasingly professionalized to the extent that Spain is now a global reference country in the prevention of this type of fire thanks to the Forestry Service of the regional autonomous communities and the Ministry of Agriculture and Environment.

Citation:

Sources (1-WWF report; 2- European Environment Agency, Recycling)

http://awsassets.wwf.es/downloads/informe_de_emisiones_de_gei_en_espana_1990_2012.pdf

<http://www.eea.europa.eu/publications/managing-municipal-solid-waste>

Global Environmental Protection

Global
Environmental
Policy
Score: 4

One of the first decisions taken by the conservative Prime Minister Rajoy when he took office in December 2011 was to reform the older Ministry of Environment, Rural and Marine Affairs into a new Ministry of Agriculture, Food and Environment, marking a clear change of priorities from the previous period. Moreover, he appointed as minister Miguel Arias Cañete, who admitted to knowing absolutely nothing about the environment. Rajoy himself had made some controversial statements about climate change when he was the leader of the opposition claiming, for example, that “if nobody guarantees tomorrow’s weather forecast for Seville, how could they know what will happen in 300 years.” In this not particularly promising context, Spain had to hold the Presidency of the United Nations Environment Programme (UNEP) during 2012 – a program that coordinates UN environmental activities and covers a wide range of issues. After the new agriculture minister showed a lack of

interest in this international office, he finally delegated the presidency in the Secretary of State for Environment, Federico Ramos de Armas, who took charge.

This is a good illustration of the Spanish government not actively contributing to international efforts to design and advance global environmental protection regimes, although it is still committed to the existing conventions. Spain has supported in 2012 – 2013 several international projects (such as wind farms in developing countries or emissions-trading projects) aimed at helping the country comply with the Kyoto protocol and allowing Spain to reduce its CO₂ emissions in order to meet its obligations.

Quality of Democracy

Electoral Processes

Candidacy
Procedures
Score: 9

Registration procedures for candidates and parties are defined by national laws (basically, the Organic Law 5/1985 on the electoral regime and the Organic Law 6/2002 on parties) and ultimately enforced by the judiciary. The legal and administrative regulation for validating party lists and candidacies are fair, flexible and nondiscriminatory. Parties must simply present a series of documents to the Register of Political Parties at the Ministry of Interior. Virtually every Spanish adult is eligible to run for public office including, since 2002, EU citizens in local and European Parliament elections and, also for local elections, non-EU citizens whose countries reciprocally allow Spaniards to be candidates. The only restrictions on candidacies contained in the electoral law apply to specific public figures (the royal family, some public officials, judges, police officers and members of the military) and to those who have been convicted of a crime. Fair registration is protected by a number of guarantees, which are overseen both by the electoral administration and the courts, including the Constitutional Court through a fast-track procedure. Legislation on gender parity (Organic Law 3/2007) requires party election lists to have a balanced gender representation, with each sex accounting for at least 40% of the total number of candidates.

That said, the regulation on political parties that followed a legal reform passed in 2002 with the support of both major parties, the Popular Party (Partido Popular, PP) and the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) allows the banning of those parties that are “irrefutably” associated with conduct “incompatible with democracy, prejudicial to constitutional values, democracy and human rights” – a provision linked to the fight against separatist terrorism in the Basque Country. This legal innovation, combined with judicial decisions, led during the early 2000s to the dissolution of the Basque extreme nationalist political organization Batasuna, and the subsequent dissolution or suspension of other minor parties directly or indirectly connected to Euskadi Ta Askatasun (ETA) terrorism.

The possibility of declaring a party illegal as a consequence of its members “repeated and serious” public defense or tacit support of terrorism in speeches and statements has raised questions as to how far political discrimination can go in excluding candidates with a radical ideology. Until 2010, the Supreme and Constitutional Courts accepted the government’s arguments that parties linked to Batasuna had to be banned for being subject to the strategy and mandates of ETA (a ruling later endorsed by the European Court of Human Rights). However, during the period under consideration, the situation improved following the announcement by ETA of the cessation of terrorist activity in September 2010 (confirmed as definitive in October 2011). Consequently, and despite the position of the government and even of previous rulings by the Supreme Court, the Spanish Constitutional Court legalized the coalition Bildu (in May 2011) and the party Sortu (in June 2012) – two candidatures generally considered as the successors to Batasuna.

Citation:

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

Media Access
Score: 7

All Spanish democratic parties or candidates have access to the public media without unreasonable or systematic discrimination because of race, gender, language, religion, political opinion, national or social origin, property, birth or other status. The electoral law (Organic Law 5/1985) regulates strictly the access to public television and public radio networks during electoral campaigns. This access is not exactly equal, but can be considered plural and proportional as it is based on past electoral performance. The system is even very rigid, allocating times for free advertisement slots (paid advertising is not allowed) and news coverage. Thus, parties receive a free slot of 10, 15, 30 or 45 minutes every day, depending on their share of the vote in the previous elections.

A similar system operates with regard to news coverage, where the time devoted to each party is also proportionally allocated according to the previous electoral results. Therefore, while new candidates or parties may find it difficult to win media access, the two major parties – the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) and Popular Party (Partido Popular, PP) – and, to a lesser extent, the governing nationalist parties in Catalonia and Basque Country, Convergence and Union (Convergència i Unió, CiU) and the Basque Nationalist Party (Partido Nacionalista Vasco, PNV), enjoy a clear advantage, since they are the candidatures that regularly draw more votes. Whether fair or not, the allocation of these advertising slots and

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

Regarding private media, a reform of the electoral law in 2011 extended the aforementioned system of proportional news coverage during the electoral period to privately owned television stations. Apart from this special regulation for campaigns, the largest media organizations have a strong tendency to favor the bigger parties or the more well-known candidates in their day-to-day coverage. Giant private newspapers, radio and television stations tend also to lean ideologically toward PP, PSOE or CiU in Catalonia (empirical work shows a significant connection between media and parties with the same political orientation). Access to the private media is worse for the third national party, United Left (Izquierda Unida, IU) and the fourth one Union, Progress and Democracy (Unión, Progreso y Democracia, UpyD) and terrible for parties not represented in the parliament, who have no legal guarantee to secure attention. However, the internet (particularly for minor leftist parties or anti-system social movements) and several small direct digital TV channels (for populist and right-wing activists) have recently improved the situation for less mainstream political views. In short, the Spanish media system as a whole does not provide all the different political positions with absolutely fair and balanced access to the media, but plural coverage is indeed achieved, as in every other western European country.

Citation:

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

Voting and
Registrations Rights
Score: 10

The Spanish electoral system meets the highest requirements and every citizen 18 years and over has the right to vote. The extent to which this suffrage can be exercised is absolute, and apart from minor errors, no discrimination or any other significant exclusion has existed in recent elections. Only those suffering specific mental disabilities or who have been judged guilty in certain criminal cases (always by a court) may lose their political rights. All citizens are automatically included in the electoral register (Censo Electoral), which is as a rule updated correctly. Adequate opportunities for casting an advance ballot are also provided in case of illness, absence or just an incapacity to attend the

polling station on the day of election. The average turnout since 1977 is comparatively high (73.5%) and the last national election held in 2011 saw a 71.7% turnout compared with 73.9% in 2008.

The only two problems which deserve to be mentioned are related to immigration and emigration. The 6 million foreigners who live in Spain are not entitled to vote in national elections and it is not easy to become naturalized even for long-standing foreign residents, but this restriction is common to all advanced democracies (note that EU citizens can already vote in local and European Parliament elections, and even non-EU citizens are entitled to cast ballots in local elections if their home countries reciprocally allow Spaniards to vote). Regarding emigration, some of the 2 million Spaniards abroad may face onerous red tape discouraging participation and even occasional technical failures in the administrative work of consular departments.

Party Financing
Score: 4

Party financing rules are based on Law 8/2007 (reformulated in October 2012), which states that political parties are private associations with a mixed revenue system. They collect funds from the public budget in proportion to their parliamentary representation, but also private money from individuals (including the membership fees which are not very significant) and from corporations. Legislation includes spending thresholds in electoral campaigns and the contributions made by businesses are, at least in theory, subject to limits and conditions (for example, anonymous donations are forbidden and companies that supply goods or services to the state cannot make them). However, the current legislation has been ineffectual in enforcing these limits, particularly regarding opaque donations received by think tanks and charities associated with parties or the backdoor funding when banks cancel the parties' debts or loans. Furthermore, several scandals of directly illegal financing (such as the Barcenas, Gürtel, Palau, Palma Arena, or Pallerols cases) have also erupted in recent years.

The Audit Office (Tribunal de Cuentas) is the body charged with auditing the parties' accounts but has no capacity to control them effectively. On the one hand, this office suffers from a lack of political independence since its members are appointed by the parties themselves. On the other, it lacks staff resources and has a five year backlog delaying the publication of audit reports. According to the latest available data, right-wing parties have received much more private financing than leftist ones (between 2003 and 2011, the Popular Party (Partido Popular, PP) received €43 million and the Catalan conservative governing party Convergència and Union or Convergència i Unió €46.5 million just from that region, while the Spanish Socialist Workers Party or Partido Socialista Obrero Español was given €18 million), but now the PP government,

Popular Decision-
Making
Score: 4

forced by a deep social mistrust in the context of the crisis and a corruption scandal that involves a former treasurer of the party, has decided to increase transparency and responsibilities with a draft law currently being considered in the General Courts. Notwithstanding this, Spanish parties' accounts do not require more rules but, rather, guarantees that genuinely dissuasive sanctions will be imposed in the case of infringement.

Apart from representative elections every four or five years, two other fundamental ways exist to allow Spanish citizens to express directly their political opinions on key issues. The first way refers to the "iniciativa legislativa popular" (or popular legislative initiative) although the right to promote the submission of non-governmental bills is limited as a result of the very high minimum number of authenticated signatories that are required and other political or legal obstacles like the fact that initiatives are not allowed on matters concerning fundamental rights, institutional structure of the state, taxation, international affairs or the prerogative of pardon. Historically, even if the 500,000 signature threshold has been reached, those initiatives have been dismissed by the Board of the Congress of Deputies. However, a very recent exception of an initiative that has been admitted (although strongly amended afterwards) can be mentioned: almost 1.5 million Spanish citizens endorsed in February 2013 an initiative asking for a reform in the legal regulation of mortgages and claiming the "datio in solutum" to solve the pending debt and personal liabilities on unpaid mortgages by giving the property to the bank in satisfaction of the debt. The second way refers to the option of submitting political decisions of special importance to all citizens in a consultative (i.e., non-binding) referendum. Spaniards have only been asked to vote in three national referenda since democratization: to ratify the Spanish Constitution in 1978, to decide on Spanish NATO membership in 1986 and to ratify the failed EU Constitutional Treaty in 2005. In addition to this, some referenda to approve or reform the Statutes of Autonomy have taken place in those regions with more devolved powers. At the local level, referenda are held more often but they are not very common. Since September 2011, a very lively debate has been unfurling in Catalonia on the legal right to hold an independence referendum in 2014. According to the Constitution, this referendum can be called only on the president of the government's proposal after previous authorization by the Congress of Deputies and it is unfeasible, considering the strong opposition of national parties to allow a consultation that may facilitate the secession of a region.

Citation:

Source: (results of the national referenda):

www.elecciones.mir.es/MIR/jsp/resultados/comunes/listadoElecciones.jsp?tipoEleccion=7&nombreEleccion=Refer%E9ndum

Access to Information

Media Freedom
Score: 6

The new Popular Party (Partido Popular, PP) government has reversed a previous legal reform (Law 17/2006), which had transformed the traditionally government-manipulated Radiotelevisión Española (RTVE) into an autonomous corporation that tended to guarantee neutrality. PP passed a decree law in April 2012 that jeopardizes that recently achieved political independence of the national broadcasting group. A relative majority in the General Courts is now enough to elect the president of RTVE, thus allowing the government of the day to decide unilaterally who will manage public television and radio (the previous regulation required an appointment agreed between the governing party and the main opposition party). In fact, following the decree, the president and the news director were replaced, and some notorious journalists were moved out.

However, it would be unfair to consider the national television station as a simple government tool as it used to be before 2006. RTVE still respects pluralism and produces some high-quality information programs but this independence is no longer institutionally protected and, thus, the organization's credibility and audience ratings have suffered. The Radio Nacional de España (RNE) or public national radio station has been recently criticized for losing impartiality and credibility. In the case of regional public broadcast groups, the situation is probably worse with the incumbent governments openly promoting their partisan political objectives. With regard to private broadcasting operations, the media groups are of course formally independent from the government but both the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) and the PP have tried to support those newspapers, radio and television stations ideologically closest to them (particularly concerning the regulation of the audiovisual sector).

Media Pluralism
Score: 8

There is a relatively high degree of pluralism in the Spanish media market with open competition among different groups for the audience and advertising revenues. In the period 2011 – 2013, the economic crisis led to some concentration in the ownership of TV stations, and to a lesser extent, print newspapers. However, the growing access of the Spanish population to the internet (19 million people by 2013) and the widespread use of social networks have encouraged the proliferation of electronic newspapers or independent blogs, which counterbalance oligopolistic trends and guarantee that certain opinions can be expressed in public debate. The last report published by Freedom House in 2013 shows a slight decline in the media freedom of Spain

although the country continues to be considered “free” in this category.

As for television, the Italian company Mediaset is the leading group in the country, reaching 30% of the audience (the most-viewed TV channel, Telecinco, together with Cuatro and other minor channels). It is followed by Grupo Planeta, with about a 28% of share of the audience (including interestingly both the right-wing Antena 3 and the more leftist channel La Sexta). Then comes the public broadcaster Televisión Española, with less than 20% of audience ratings and, finally, regional public television (particularly watched in Catalonia), the satellite TV Canal + and other small private stations.

Regarding print or electronic journalism – setting aside free and sports press that perform quite well in Spain – the main newspaper is the very influential center-left El País (2 million readers) published by the leading media group Prisa. Other newspapers are the center-right El Mundo (1.1 million readers), and the conservative ABC, published by the Vocento Group, which also owns many local newspapers in the Basque Country and other regions. In Catalonia, the moderate La Vanguardia and the more progressive El Periódico are leaders. During the period under consideration, an openly leftist newspaper, Público, has been closed – although its digital version still exists – thinning the pluralism of Spanish print media. However, digital newspapers such as publico.es and also eldiario.es, elconfidencial.com, libertaddigital.com, etc., have enjoyed enormous growth. Nevertheless, the electronic media market is quite similar to the print sector, since the two most-read political information websites are those belonging to El País and El Mundo.

Finally, the radio market is dominated by the aforementioned giant groups Prisa (the popular SER station has 4.8 million listeners) and Planeta (Onda Cero, with 2.6 million daily listeners). The publicly owned Radio Nacional de España (RNE) has 1.2 million listeners and the privately owned Cadena Cope (belonging to the Catholic Church) almost 2 million listeners.

In short, a moderate level of diversification in media ownership prevails at national level. To be sure, there are several giant media companies, each with an ideological bias, but the media market as a whole allows for a certain level of pluralism. If electoral behavior was compared with the spectrum of opinions actually published, very conservative positions would perhaps be shown to be overrepresented, and leftist positions somewhat marginalized.

Access to
Government
Information
Score: 5

Citation:

<http://www.freedomhouse.org/>

<http://www.publico.es/454131/radio-nacional-se-desploma>

<http://www.formulatv.com/audiencias/> (checked 30 June 2013)

<http://www.prisabs.com/pbs/egm/completo.pdf>

<http://www.marketingdirecto.com/actualidad/digital/en-espana-ya-hay-mas-de-19-millones-de-usuarios-de-internet-segun-ymedia/>

Spain does not yet have a specific law to guarantee free and easy access to government information. The Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) included the passage of such a law as one objective in its 2008 electoral manifesto, but the regulation was not adopted. Once the Popular Party (Partido Popular, PP) arrived in office in 2011, a new draft law on transparency and access to information was prepared and approved by the Council of Ministers by mid-2013. The law, if finally adopted, will help to improve the current situation in Spain by permitting a wider transparency of public accounts.

However, according to the Madrid-based NGO Access Info Europe, the shortcomings in the bill as it stands mean that Spain will still rank 75th out of a total of 96 countries with access to information laws. For example, the Congress of Deputies and the Senate are not made completely transparent under the law, the law does not recognize access to information as a fundamental right – delicate information is excluded – and the oversight body is not independent. Nevertheless, during the period under consideration, Spanish law had no provision for transparency and citizen access to public information was only partially regulated by specific legislation on administrative procedure or environmental issues. The truth is that access to government information is extremely difficult as a consequence of bureaucratic red tape and the rigid interpretation of exceptions and restrictions (security and defense of the state, the investigation of crimes and the privacy of persons). Moreover, enforcement and appeal mechanisms (either to the administration itself, to the Ombudsman or to the courts) are ineffective.

Citation:

RTI

Rating Data Analysis Series (2013): Overview of Results and Trends, Center for Law and Democracy (Canada) and Access Info Europe (Spain): www.access-info.org/documents/Report.13.09.Overview-of-RTI-Rating.pdf

Civil Rights and Political Liberties

Civil Rights
Score: 7

No substantial changes in the civil rights domain were evident during the 2011 – 2013 period. Spanish state institutions respect and protect civil rights, and rights guaranteed by the constitution and ordinary legislation are enforced, although some infringements may occur in practice. According to the British think tank Demos and the Spanish Ombudsman, cases of occasional mistreatment of immigrants have diminished despite the high unemployment figures, in part as a result of the intense reduction in the inflows of immigrants compared to the preceding years. The systematic delays and the lack of adequate resources (both human and technological) in the Spanish courts are a factor undermining the effective protection of fundamental rights. Moreover, as part of the austerity plans, the Ministry of Justice introduced court fees in 2013 that can worsen the situation, even if these fees do not affect civil rights.

Citation:

Jonathan Birdwell, Chris Tryhorn, Sebastien Feve and Natalia Vibla. 2013. Report “Backsliders: Measuring Democracy in the European Union.” London: Demos.

Political Liberties
Score: 9

The 1978 Spanish Constitution frames the political liberties that must be respected by state institutions. Fundamental rights and public freedoms (included in Section 1, Chapter 2, Part I of the constitution) receive special protection against infringements. The political liberties especially protected against government (or even private) interference or violation include: (1) the freedoms of ideology, religion and worship on the part of individuals and communities, along with the guarantee that no one may be compelled to make statements regarding his or her ideology, religion or beliefs (Article 16); (2) the right to freely express and spread thoughts, ideas and opinions through words, in writing or by any other means of reproduction, without any form of prior censorship (Article 20); (3) the right to peaceful unarmed assembly, with no need to notify local authorities in advance unless demonstrations are being held in public places, and no need of prior authorization (Article 21); the right of association (Article 22) with some restrictions for the members of the armed forces or the police; the right to freely join a trade union (Article 28); and the right to individual and collective petition (Article 29).

In general, all these liberties are respected by the administration, monitored by the media and public organs such as the Ombudsman, guaranteed by the ordinary courts or, ultimately, the Constitutional Court. However, during the period under consideration, some controversial issues have arisen from occasional infringements affecting, for example, the press freedom of radical

ideologies (e.g., the European Court of Human Rights condemned Spain in October 2012 for not having investigated the alleged tortures suffered by the former editor of Egunkaria, a Basque newspaper with a political position similar to that supported by the terrorist group ETA).

Citation:

Source (Spanish Constitution): www.tribunalconstitucional.es

Non-discrimination
Score: 7

Since the enactment of the Spanish Constitution in 1978, all discrimination on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance are forbidden. Spain is also party to all important international and European treaties relevant to counteracting marginalization. And, finally, all individuals, whether national citizens or foreign ones, can invoke a special fast procedure in the courts asking the state to protect them against any form of discrimination. As a result of all this, cases of explicit discrimination are extremely rare. Of course, this does not mean that occasional public discrimination and, above all, indirect social discrimination are never observed, particularly because of prejudices against women, the elderly, persons with disabilities, or ethnic minorities (such as the Roma individuals and some non-Western immigrants).

Concerning religion, some tensions have emerged related to the customs of certain Muslims (for example, women wearing the burqa veil are not allowed access to public buildings in some municipalities). Coexistence between communities speaking different languages is as a rule peaceful and does not lead to overt discrimination or conflicts of rights despite the complaints made by some Spanish-speaking families regarding the exclusive use of the Catalan language in the regional education system and equivalent criticism by Catalan- or Basque-speaking citizens with regard to the primacy of Castilian Spanish in the central administration.

In recent years, and particularly under Prime Minister Rodríguez Zapatero who was in office until December 2011, the Spanish government has been very active in fighting discrimination against women or homosexuals. Policies on pay equity, equality in political representation, gender violence and the same-sex marriage law (whose constitutionality was discussed by the Popular Party or Partido Popular, PP) have been maintained by the current conservative government. The Ministry of Health, Social Services and Equality, the Ombudsman and other regional agencies are active in monitoring discrimination. However, there are still wage differences between men and women and few women on the boards of companies.

Rule of Law

Legal Certainty
Score: 8

No important changes occurred regarding legal certainty in the period under review. The Spanish executive rarely makes unpredictable decisions, and normally acts on the basis of and in accordance with legal provisions. Spanish administrative law and practice is grounded in the principle of legal certainty (and, to a much lesser extent, the principle of transparency, as discussed under Access to Government Information). Strict legal interpretations may in fact produce some inefficiency in certain aspects of the administration, such as the rigid system of personnel recruitment; working methods that depend on clear departmental command rather than flexible cross-organization teams; a preference for formal hierarchy rather than skills when making decisions; the reliance on procedure regardless of output effectiveness and other such effects. In addition, the legalistic approach is also a source of abuse in some cases, since citizens are generally reluctant to appeal administrative acts in the courts as a consequence of the high costs and long delays associated with this process. Nevertheless, basic administrative law is consistent and uniform, assuring regularity in the functioning of all administrative levels. The effects of the crisis have caused an increase in legal breaches of contract from the public administrations referred to the payment terms.

Judicial Review
Score: 8

The judicial system is independent and it usually has the capacity to control whether the Spanish government and administration act according to the law. Specialized courts, regulated by the constitution and Law 29/1998 on the administrative-contentious jurisdiction (as last amended by Law 37/2011), can review actions taken and norms adopted by the executive, effectively ensuring legal compliance. The administrative jurisdiction is made up of a complex network, including local, regional and national courts (the administrative chamber of the National High Court for special cases, and the administrative chamber of the Supreme Court, which is the last level of appeal). In addition, the Constitutional Court may review governmental legislation (i.e., decree-laws or “decretos-ley”) and is the last resort in appeals to ensure that the government and administration respect citizens’ fundamental rights. Because of the confrontational style of Spanish policymaking and the fact that judges may be independent but are not ideologically neutral, the judiciary’s mandate to serve as a legal check on government actions can at some points be deemed politically obstructive.

Appointment of
Justices
Score: 7

The renewal of the Spanish Constitutional Court (Tribunal Constitucional, TC), the organ of last resort regarding the protection of fundamental rights and the conflicts on institutional design, is a highly politicized process. To a lesser extent, the judicial appointments for the Supreme Court – the highest court in

Spain for all legal issues except for constitutional matters – are also decisions that can lead to political maneuvering.

The process for appointing TC justices is regulated by the Spanish Constitution and by specific legislation in that court (Organic Law 2/1979, amended eight times – Organic Law 8/2010 was the last amendment). The TC consists of 12 members. Of these, four members are appointed by the Congress of Deputies, requiring a supermajority of three fifths of its members, and four members by the Senate, requiring the same supermajority vote (following a selection process in which each of the 17 regional parliaments formally nominate two candidates). Additionally, two members are directly appointed by the government, and two by the General Council of the Judiciary (Consejo General del Poder Judicial, CGPJ). All 12 TC members have a tenure period of nine years, with one third of the court membership renewed every three years.

The appointment process for Supreme Court justices is regulated in the legislation on the judiciary (Organic Law 6/1985, amended several times – Organic Law 4/2013 was the last important amendment). The Supreme Court consists of five different specialized chambers, and all its members (around 90 in total) are appointed, requiring a majority of three fifths, by the aforementioned CGPJ – the governing authority of the judiciary, whose 20 members (judges, lawyers and other experienced jurists) are appointed by the Congress of Deputies and the Senate also by a three fifths supermajority vote, and have a tenure period of five years.

Thus these processes formally include special majority requirements. However, the fact that the various three fifths majorities needed to select TC or CGPJ members can be reached only through extra-parliamentary agreements between the two major parties (the Spanish Socialist Workers Party or Partido Socialista Obrero Español, PSOE and the Popular Party or Partido Popular, PP) has not led to cooperative negotiations to identify the best candidates regarding judicial talent. On the contrary, there is a strong and growing politicization both among the members of the TC and the CGPJ. All TC justices and most members of the Supreme Court are quickly labeled as “conservative” or “progressive” justices by the media and politicians depending on the party that pushed for their appointment. Even worse, changes in government normally produce a subsequent ideological shift in the TC or the CGPJ from progressive leftists to the right or vice versa. Even if there is some formal guarantee of independence, neutrality is not expected and justices tend not to be considered to be divorced from the ideology – or even the tactics – of the parties that suggested their appointment. As a matter of fact, and even if membership of the Constitutional

Court is incompatible with any other office, some of its current justices have held previous important political positions. The president himself, who maintained his PP membership after being appointed as a member of the TC, has recently stated that he does not see incompatibility between his post and rank-and-file party affiliation on the basis that the law only prohibits a magistrate from holding a responsibility within a political group.

The complete independence of the Supreme Court is not guaranteed either (and, much less, its neutrality, considering the conservative social origins of most judges in Spain) but the truth is that professional considerations play a very important role, with nominees always having extensive prior judicial experience. It is interesting to mention a recent reform of the CGPJ, the organ which appoints Supreme Court justices. The reform is formally oriented to reinforce individual judges and weaken judicial associations (which in the previous regulation nominated the candidates to the CGPJ) by devolving the complete decision to the three fifths votes in the two chambers of the General Courts. As the PP alone enjoys a supermajority in the Senate, the conservative government will be able to assume control of half of the CGPJ, without even negotiating with the PSOE, and thus increasing its indirect influence for deciding future Supreme Court justices.

Corruption
Prevention
Score: 5

Spanish law broadly regulates the obligations and responsibilities of politicians and other civil servants. It encompasses state spending audits, legislation regarding conflicts of interest, the declaration of assets and the criminal prosecution of corruption. The Spanish legal framework is generally successful in curbing corruption and everyday interactions between citizens and civil servants function on the basis of integrity. Other anti-corruption mechanisms such as party financing rules, public procurement guarantees and access to information systems are nonetheless ineffective, a fact demonstrated by the numerous corruption scandals brought to light from 2011 to 2013. Corruption levels have plausibly declined since the country's real estate bubble burst in the wake of the 2008 financial crisis and the 2010 sovereign debt crisis. Massive spending cuts since then have also arguably helped bring down corruption levels. Nonetheless, perceived corruption levels (and Spain's position in international indices) have worsened. This can be attributed to the fact that past cases currently under inquiry are now receiving considerable media attention and a decreased tolerance among Spaniards for the abuse of public office. The disincentives for officeholders to exploit their office have arguably increased as public servants now face more stringent legal consequences and/or adverse publicity.

Most scandals under investigation refer to events and activities prior to 2010. Most of these corruption scandals involve private companies' illegal donations to specific parties in exchange for favors from the administration or personal enrichment. There have also been several fraudulent subsidies received by individuals close to the governing political parties. These include corruption scandals such as the Bárcenas case, the Gürtel plot (which implicated the Popular Party or Partido Popular, PP), the ERE case (involving the Spanish Socialist Workers Party or Partido Socialista Obrero Español, PSOE) and several other scandals involving parties at both regional and local levels (the regions of Andalusia, the Balearics, Catalonia, Galicia, Madrid and Valencia being affected in particular). Other important scandals not directly linked to political parties involve the king's son-in-law (who is now on trial after earning millions by running charities from 2003 to 2009 whose main business included cashing in on his status as a Spanish royal) and the president of the Supreme Court (who resigned in 2012 after being accused of claiming vacations as business expenses). The Operación Pitiusa, a data-trafficking network selling citizens' information to private investigation companies has been the only significant case of corruption involving career civil servants.

Governance

I. Executive Capacity

Strategic Capacity

Strategic Planning
Score: 7

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

Despite austerity measures that logically tended to reduce the dimensions of the administrative structure, the central strategic planning units have been strengthened. Hence the Prime Minister’s Economic Office – which, among other functions, has been responsible for the National Reform Program under the Europe 2020 Strategy – is clearly more powerful since January 2012. A new department of national security has been created within the Prime Minister’s Office (PMO) with the task of implementing a Spanish National Security Strategy – a document originally approved in 2011, when the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) was still in office, and slightly revised during 2013 by the Popular Party (Partido Popular, PP) government.

Scholarly Advice
Score: 6

The renewed attention paid to structural reforms or security policy could be the basis for developing the incipient Spanish strategic thinking and for strengthening powerful coordinating bodies connected to the strategic planning units near the prime minister, such as a fully fledged National Security Council, a more authoritative Council of Ministers Committee on Economic Affairs and an effective Foreign Policy Council.

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

The deep political and economic crisis may have increased the tendency of the Spanish government to ask formally or informally for external advice to help in the institutional redesign or the welfare system structural adjustment in a context of high public deficit (for example, two panels of experts were created in 2012 for the reforms of the pensions system and the university system). In addition to this, some recent trends such as the emergence of several think tanks may reinforce the influence of external experts.

Interministerial Coordination

GO Expertise
Score: 8

Spain's Council of Ministers or Government Office (Ministry of the Presidency, Ministerio de la Presidencia), the prime minister's Private Office and his Economic Office are the administrative departments associated with the Spanish leadership that are tasked with evaluating line ministry proposals from a political and technical point of view. These bodies are from a functional and even physical point of view nearly one, and form the very powerful political core of the executive (often called the Moncloa, after the name of the main palace hosting the prime minister on the outskirts of Madrid). In general, these different units have ample staff with specific policy expertise, whose task is to

substantively assess draft bills and other important sectoral initiatives to ensure they are compatible with the government's strategic and budgetary priorities.

The internal organization of the Prime Minister's Office (PMO) (both the private and the economic offices) vaguely reflects the various ministerial portfolios, although without achieving a comprehensive policy expertise that enables perfect oversight throughout the executive. Moreover, evaluations made by the advisers working in the PMO are not truly independent, since most of them are insiders. Nevertheless, and despite the extensive constitutional and political strength of the Spanish premiership, these units enjoy only limited administrative resources. Their relatively small size is perhaps explained by the hierarchical, single-party nature of the Spanish government, in which it is not particularly necessary to monitor sectoral ministers from the center.

GO Gatekeeping
Score: 9

Materials earmarked for cabinet meetings are not frequently returned, but the Government Office (Ministerio de la Presidencia, GO) can do so, citing either formal or substantive considerations. The Prime Minister's Office (PMO) does not have the official mandate to return items on policy grounds but, given its political weight within the core executive, does so nonetheless. The head of the GO (who is also the deputy prime minister) has since 2011 been Soraya Sáenz de Santamaría, a state attorney and powerful member of the Popular Party (Partido Popular, PP) who can reject initiatives either in her political or legal position as chair of the committee that prepares Council of Ministers meetings (the Comisión General de Subsecretarios y Secretarios de Estado). The powerful directors of the prime minister's Private Office, Jorge Moragas, and the prime minister's Economic Office, Álvaro Nadal, can de facto return items but only by taking advantage of their proximity to the prime minister. This is typically done through informal instructions to the sectoral department responsible for the item. Nonetheless, the prime minister's Economic Office has also been, since 2012, formally responsible for coordinating economic matters. It does so through a specialized ministerial committee on economic affairs. This constellation grants the Economic Office some legal capacity to accept or return on economic policy or budgetary grounds items that have been submitted by a ministry. Items subject to GO and PMO evaluation and potential return for reconsideration include draft bills and internal appointments of top officials.

Line Ministries
Score: 7

Both the Government Office (Ministerio de la Presidencia, GO) and the Prime Minister's Office (PMO) are regularly briefed on new developments affecting the preparation of policy proposals by line ministries. Although these are formally autonomous, the legal and political hierarchy within the Spanish government facilitates and even encourages this pattern of consultation with

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

These interests include foreign, EU and security policy; economic measures and structural reforms associated with the crisis; regional affairs (particularly on Catalonia or, to a lesser extent, Basque Country); and justice and home affairs. Consultation between the PMO and the rest of the government could be compromised if line ministers fear that the prime minister and his advisers might use it as an unwelcome filter of ministry proposals. Equally, line departments may seek to influence the prime minister's advisers in order to secure backing at a higher level. Nevertheless, all legal proposals are sufficiently vetted by the government office before they are drafted as laws through: (1) the setting of the cabinet meeting agenda and (2) the centralization of all legislative relations with the General Courts.

Cabinet Committees
Score: 9

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

Ministerial
Bureaucracy
Score: 7

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

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

Thus senior ministry officials (the Spanish junior ministers, known as secretaries of state, and leading civil servants in the 17 ministries, known as undersecretaries) effectively prepare the Council of Ministers' meetings. They meet every Wednesday in a committee (the Comisión General de Subsecretarios y Secretarios de Estado), two days before the weekly Friday Council of Ministers meeting. All issues arrive in time to be reviewed and filtered first by this committee. The Government Office (Ministerio de la Presidencia, GO), directed by a minister who is also the deputy prime minister, chairs the meetings of this preparatory committee in which all draft bills, all appointments and any other ministerial proposals are discussed and scheduled as a part of the Council of Ministers' agenda. The GO also collects and circulates all relevant documents for the Council of Ministers' meeting among line ministers. A provisional agenda (known as the "black index") is published a week before the cabinet meeting.

On Tuesday mornings, senior Prime Minister's Office (PMO) officials assess the relative importance of agenda items on the black index and identify where there are likely to be divergent positions. Thus the Wednesday meetings of the preparatory committee perform an important gatekeeping function in returning problematic proposals to the appropriate line ministry and forwarding the remaining proposals to the Council of Ministers (now classified into two indexes: the green index, which covers ongoing administrative matters, and the red index, for issues which are more political either by nature or because a lack of ministerial consensus). Nevertheless, although the senior ministry officials effectively filter out and settle almost all issues, allowing the Council of

Ministers to focus on strategic policy debates, the truth is that important political discussions in the Spanish Council of Ministers are rare.

Regarding coordination by line ministry civil servants, the truth is that there is no Spanish tradition of interministerial administrative coordination. To be sure, the role of high-ranking civil servants (normally the subdirectores generales) is crucial in the preparation of policy proposals within every line ministry, but their subsequent involvement in horizontal coordination with other ministries is very limited. In fact, and as a consequence of the strong departmentalization, every ministry tends to act within its area of competence or jurisdiction, avoiding proposals which may involve other ministries. Although many administrative committees formally exist, in practice these committees do not coordinate the drafting of policy proposals or decision-making between different ministries. As administrative committees do not tend to work efficiently, they have fallen by the wayside and now usually simply facilitate the exchange of information or try to settle jurisdictional conflicts.

Informal
Coordination
Score: 7

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

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

Evidence-based Instruments

RIA Application
Score: 4

There is no tradition in Spain of concern on the quality of legislation (apart from purely formal legalistic issues that are controlled by the Council of State). The financial costs of passing and implementing any new law have also been systematically monitored since the 1990s but a wider concern on the substantive quality and efficiency of legal rules (the effectiveness of regulatory impact on their target reality) was only established in 2009. The introduction of RIAs has facilitated to specify a general procedure to be applied across content area (emphasizing that draft legislation must address economic and budgetary considerations as well as any other relevant aspects, such as environmental impact, gender equality concerns, and any possible effect for disabled people). Because this is a relatively new obligation, it is difficult to determine precisely how effectively impact assessments have been performed so far. In some instances, the RIA has been efficiently used; in others, it seems to have been a formal requirement fulfilled by the public administration.

Quality of RIA
Process
Score: 3

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

Sustainability
Check
Score: 3

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

Societal Consultation

Negotiating Public
Support
Score: 5

While the socialist government held the engagement in social dialogue high on its agenda (at least, until 2010), the conservative Popular Party (Partido Popular, PP) has hardly consulted with societal actors such as trade unions or even employers' associations since it took office 2011. The labor reform passed in February 2012, which made it easier and cheaper to fire workers, was decided without consultation with the two main trade unions UGT and CCOO. As the priority has been the fast launch of structural reforms and adjustment measures (affecting not only the labor market, but also the pension system, public administration, local government, access to justice, education and health

care systems, etc.), the central government has been less attentive to and successful at facilitating acceptance of government policies among societal actors. UGT, CCOO and other minor unions called for two general strikes (March 2012 and November 2012) and several other sectors also struck. Regardless of this general trend, line ministries still tend to consult with the economic and social actors important in their various policy areas, both private (especially businesses associations and Catholic Church) and public (other ministries, autonomous regions, parties), in the course of making decisions. The extent and success of this consultation in preparing policy initiatives depends on the particular sector. In some cases, consultation and exchange of views is institutionalized through advisory bodies that exist in various policy areas.

Policy Communication

Coherent
Communication
Score: 6

The government tries to speak with one voice. A communication office (Secretaría de Estado de Comunicación) exists within the Government Office (Ministerio de la Presidencia, GO), led by the Deputy Primer Minister Soraya Sáenz de Santamaría, who also serves as the government's spokesperson. The communication office is responsible for coordinating all the government's information policy both internally (through a consultation procedure with the ministries, and by providing a press service for the entire public administration) and also externally (by informing the mass media of the government's activities, planning the political messages sent to the public and controlling institutional communication campaigns). The communication office and the spokesperson try to conduct coherent communication planning and ministries tend to align their statements and press releases with government strategy. In late 2011, during the last months in office of the previous socialist Prime Minister Rodríguez Zapatero, in a very difficult political situation and with two successive spokespersons not based in the prime minister's entourage (Alfredo Pérez Rubalcaba and José Blanco), the government lost effectiveness in its communication strategy. Since early 2012, with a new government and with the role of coordinating the messages of the different ministries returned to a deputy prime minister who also leads the GO, the coherence of communication has improved. Nevertheless, contradictions do occur from time to time.

Implementation

Government
Efficiency
Score: 6

The Spanish government has not set a system of benchmarks to evaluate its own performance but, thanks to the important constitutional and political resources it enjoys, has been relatively successful in the implementation of

major policy objectives. However, two main obstacles stand in the way of the government realizing more easily its declared objectives. Firstly, the weak mechanisms of coordination among autonomous regions. The 17 autonomous regions are responsible for implementation in many policy areas, and the government cannot fully guarantee the achievement of its objectives. Secondly, the ministerial fragmentation that sees line ministries often more oriented toward their individual departmental interests (to satisfy private groups and even corporatist bureaucratic goals in sectoral policy networks) than to governmental strategic objectives.

Despite these constraints, internal executive power has gradually been redistributed in favor of the prime minister and the core executive during the last 35 years, thus creating conditions under which a coherent set of major objectives can be developed, and policy priorities successfully achieved at the national level. This centralization and strengthening of coordination has been used to promote a transformation of the welfare capitalist model in Spain, which was linked to extreme fiscal austerity and dirigisme until 1975. The growing power and autonomy of the government as a whole has also benefited from EU membership since 1986. Since 2010, the deep crisis has had two different impacts on government efficiency. On the one hand, it is clear that economic constraints have impeded the implementation of several policy objectives, but on the other hand, a window of opportunity has been opened to gain power on implementation performance (through more effective control of public spending by the autonomous regions and strict guidelines of conduct to all central government ministries and agencies). Moreover, the increase of centralized power could bring about further bureaucratic inefficiency in the implementation of policies

Ministerial
Compliance
Score: 9

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

All prime ministers since the restoration of democracy have presided over single-party governments – Spain being the only EU country, perhaps along with Malta, in which there has not been any coalition experience at central

government level. Mariano Rajoy is no exception, and he has the capacity to impose his views in the Council of Ministers and party meetings he chairs, to reorganize government structures (as he did indeed in early 2012) and to dismiss those ministers he does not consider able or willing to implement the government's program.

However, the fact that the Spanish government's hierarchical organizational devices provide these potentially strong incentives does not necessarily ensure that ministers always subordinate their sectoral self-interest to the general interests of the government. They actually enjoy some degree of political autonomy, in some cases as important middle level or regional leaders of the governing party. On the other hand, the threat of a dismissal – the main political instrument in the hands of the prime minister to control ministerial compliance – is remote and, when it happens, is usually more connected to a decline of political trust than to a balanced assessment about a supposedly improper implementation of the comprehensive government's program on a particular policy. In fact, an amicable relationship with the sectoral network of interests around the line ministry is usually a very practical way to receive a positive judgment from the prime minister.

Monitoring
Ministries
Score: 7

Spain's Council of Ministers, the Government Office (GO, Ministerio de la Presidencia) and the Prime Minister's Office (PMO) – which includes the Gabinete del Presidente and the Oficina Económica del Presidente – have the theoretical capacity to monitor the activities of all line ministries, but this monitoring by the GO or the prime minister's direct entourage cannot guarantee that no sectoral ministry will ever prioritize vertical over horizontal interests. The GO, headed by the powerful deputy prime minister, monitors the activities of line ministries but only through the weekly meetings which prepare the Council of Ministers.

The PMO oversees the flow of political and sectoral information, and keeps the prime minister abreast of the activities of all government line ministries (in the case of the head of the Prime Minister's Economic Office, he has also coordinated the weekly important meeting of the government's Delegate Committee for Economic Affairs since 2012). However, the resources of the PMO are also limited and – considering the lack of formal hierarchy vis-à-vis the ministers – it is rarely involved in direct coordination of ministerial departments. Only the prime minister or the deputy prime minister are entitled to play this role but, apart from the most politicized issues or in case of security crisis management (with a new Department of National Security within the PMO created in 2012), they do not have enough time and information to keep up a systematic monitoring and coordination role.

Monitoring
Agencies,
Bureaucracies
Score: 8

In terms of administrative law and other instruments of control (financial or human), the Spanish ministries may monitor the activities of all executive agencies and may force them to act in accordance with the government's program. It is also true that, because of bureaucratic drift and/or flexibility in their functioning, some of these 150 or so semi-autonomous public bodies at central government level (formally known as *organismos autónomos*, *agencias* or *entidades públicas empresariales*) have been able to elude this control. Ministers have particular difficulties in effectively monitoring the largest ones (such as the National Institute of Social Security in the case of the Ministry of Employment, or the Development Cooperation Agency in the case of the Foreign Ministry). One of the main ingredients of the administrative reform decided in 2012 has consisted of reinforcing the control of these agencies and, in some cases, the merging or absorption of the smallest ones by the ministry in charge of their task area.

Task Funding
Score: 6

In the context of the deep economic crisis and public spending cuts that have characterized Spain from 2011 to 2013, it is difficult to assess if the central government has honestly tried to enable subnational governments to fulfill their delegated tasks by providing sufficient funding (although, considering the difficult situation, that funding was inadequate), if the central government deliberately shifted unfunded mandates to the regions, or if there was just a lack of a pre-existing serious impact assessment. Although Spain can be considered a semi-federal system, the very high degree of regional decentralization has been occasionally associated with deficiencies in the process by which tasks are delegated to regions without adequate funding sources. It is also true that regions enjoy some power to raise revenue in order to counterbalance this insufficiency of funding, but they have tended not to use this power for fear of political penalties.

During the period under review, it is also important to note that 20% of all the Spanish public spending cuts have been made by the autonomous regional governments, and that the central government passed the Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations. Now, regional governments must approve an expenditure ceiling in keeping with the stability target and the expenditure rule. On the other hand, richer regions are asking for a new profound revision of the general funding system. The debate on the criteria by which solidarity funding should be allocated between regions and territories continues to be intense in Spain, including a bid for independence in Catalonia fuelled by a widespread social unrest as a consequence of the limited fiscal capacity of the region for taxes collected there. For their part, local governments (with responsibility for roughly 15% of total public spending in Spain) are without doubt inadequately funded given

Constitutional
Discretion
Score: 4

their responsibilities, but municipalities have less political power than regions to improve the system and the government is actually considering a reform that forbids them from carrying out unfunded tasks on policies in which the legal competence is regional and not local.

As discussed under Sustainable budgets and Task funding, the Organic Law 2/2012 on Budgetary Stability and Financial Sustainability of Public Administrations is now the main regulation that imposes stability, debt targets and expenditure rules on all public administrations. With this law, the central government – while formally respecting the constitutional autonomy of autonomous regions – de facto narrows their scope of discretion with regard to implementation. Although the highly decentralized Spanish system usually enables the 17 regional governments to use their substantial autonomy fully and the Constitutional Court protects the regions in cases of unconstitutional interference, the decentralization process has not always been characterized by loyalty between the center and periphery.

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

National Standards
Score: 5

During 2012 and 2013, the new regulations on financial sustainability of public administrations or on the local government (among others), have strengthened the tools for the Spanish central government to ensure that regional and local governments realize uniform national minimum standards. The central government has in principle always been committed to ensuring these, but it has never been completely effective. In some cases, regional governments design and implement their own public policies without following clearly defined national standards. As a result, there may be some variation in the quality of public services offered by Spain's regions. In general, minimum standards are set by basic national legislation, but are not subsequently enforced. In fact, instruments of enforcement vary greatly according to policy field, with education and the pension system perhaps the best defined areas, while housing, family policy and social care are among the most

heterogeneous. The formal administrative method for monitoring the provision of services by the autonomous regions through supervision (the Alta Inspección) has not been effective.

Adaptability

Domestic
Adaptability
Score: 8

The Spanish government has largely adapted its domestic structures to agreements made at international and supranational level, although this adaptation has not always been implemented effectively. The most important impact has been produced by EU membership, with government structures adapted to significant developments such as the monetary union, the internal market, access to EU funds, the launch of the External Action Service and the different sectoral aspects of EU law (competition, environment, transport, justice and home affairs, etc.).

The coordination and adaptation of the Spanish government to the European Union is mainly the task of the Secretariat of State for the European Union (an efficient department within the less efficient Ministry of Foreign Affairs). For obvious reasons, and considering the economic predominance of the EU agenda, the Prime Minister's Economic Office (dealing with the structural reforms), the Ministry for Economy, and the Ministry for Finance also have important responsibilities in terms of cooperation among ministries on EU matters.

More generally, all line ministries have to some extent Europeanized their organizations, although most ministries lack units dealing specifically with the European Union, and interministerial coordination among them is weak. Links with subnational levels of government (since the European Union has a strong impact in many policy areas handled by the autonomous regions) are made through the network of intergovernmental councils or conferences (conferencias sectoriales), but this system has considerable room for improvement if it is to better address the effects of the European Union on policy formulation and implementation. The government has also responded to other international developments (such as NATO membership and the Kyoto Protocol).

International
Coordination
Score: 7

In recent years, Spain has actively participated in the international efforts to provide global public goods (financial stability, economic development, security, environment, education, governance, etc.) as one of the leading EU member states, and as a permanent guest at the G-20 summits. It has also contributed to international forums and actions responding to challenges such as climate change (including the 2011 Durban and 2012 Qatar UN

conferences), energy supply, illegal migration (in part through bilateral agreements in Northern Africa), global terrorism (mainly through transatlantic relations), and peacekeeping (with Spanish troops deployed as a part of UN, NATO and Common Foreign and Security Policy missions in Afghanistan, Lebanon, the Horn of Africa waters or Mali). The current economic crisis is having a significant impact on this international engagement in several ways. Firstly, undermining Spain's international reputation and credibility: the country is increasingly perceived as no longer being in a position to collaborate effectively in international governance. Secondly, overcoming the crisis and its consequences is the government's top priority; policy initiatives that do not bear directly on this goal are not receiving much attention from the executive. Finally, budget cuts are severely restricting the funding that was hitherto available for a wide array of policies and instruments designed to enhance Spain's influence abroad (in particular, regarding troops deployed, development cooperation and, more generally, contribution to global public goods). Notwithstanding this, in 2013 the Ministry for Foreign Affairs launched an initiative to renew external action strategy with more appropriate interministerial coordination.

Organizational Reform

Self-monitoring
Score: 6

The Spanish prime minister has the constitutional and political monopoly to reformulate the institutional organization of the government. Without any legal constraint, he personally decides on the structure of portfolios and other governing arrangements every time he appoints new ministers. This also means that an overloaded prime minister cannot devote much attention to the most effective way to manage those arrangements, and can monitor only sporadically whether the current ones are working. Though Prime Minister Rajoy introduced alterations in ministries' names and jurisdictions in 2011, often without an impact assessment, the internal structure has remained almost unchanged, as have the institutional procedures of governing.

The only relevant change has been the much criticized splitting up of the previously merged departments of economy and finance (whose minister traditionally enjoyed the status of deputy prime minister) into two different and less powerful ministries. The rest of the organizational reform has consisted of a reduction of units because of strict budgetary considerations. An administrative modernization initiative was launched in 2012 but without focusing on the appropriateness or not of the current organizational mechanisms.

Institutional Reform Score: 6

The changes in the institutional governing arrangements during the period under review are basically related to Prime Minister Rajoy's reorganization of ministerial portfolios and the reform of the Prime Minister's Office (PMO) that took place in late 2011. The rules of procedure and the work formats of the Council of Ministers, the ministerial advisory staffs, and the management of relations with the General Courts and the conduct of public communication, have been left all but untouched. Within the PMO, the Economic Office and the Private Office – previously merged during the last years of Prime Minister Zapatero – were again divided and a new, strengthened National Security Department was introduced in 2012. The interministerial coordination system was somewhat rearranged as well, but the new configuration in six Council of Ministers' committees – most of them without regular meetings – is very recent and has not yet had an impact on governing (see "Cabinet Committees").

The main alteration in ministerial portfolios' names and jurisdictions that Rajoy decided in 2011 was the division of the former Ministry of Economy and Finance into two ministries: Economy and Competitiveness and Finance and Public Administration. A reform that cannot be assessed positively, it reduced the economic coordination within the government during a critical time. In addition to this, the Ministry of Education was merged with the Ministry of Culture, while the aforementioned new Ministry of Economy received jurisdiction over science and trade as well. None of these changes, which were made without an impact assessment based on expert opinion or external advice, have substantially improved the strategic capacity of the government to take and implement political decisions. In fact, after every change in portfolios, the internal structure of the administration has remained almost unchanged (except for the attempts to reduce some high-ranking administrative units, which were motivated only by the need to curtail public spending).

II. Executive Accountability

Citizens' Participatory Competence

Policy Knowledge Score: 6

Traditionally, Spaniards have shown little interest in politics. Considering that most of them do not even follow the details of government composition or power struggles, it is easy to conclude that the attention to specific policies is quite low. According to a variety of polls, levels of interest in politics have remained stubbornly low, and expressions of complete disinterest in politics are

more widespread among Spaniards than among citizens of any other western European country.

Nevertheless, and due to the economic crisis, the attitudes toward politics and the policymaking process have started to change, with citizens demanding a higher level of knowledge. Recent polls conducted by the official sociological research institute (the Barometer 2981 of the Centro de Investigaciones Sociológicas, CIS, in March 2013) show that almost 54% of Spanish society can now be considered as somewhat or very attentive to political information (up from only 30% in 2010). Although less than 20% of Spaniards follow politics by reading newspapers regularly – as compared to a western European average that fluctuates near 60% – the motives and implications of government policy decisions are now better explained in the media than before the crisis. Finally, many social movements (most notably the 15-M or Indignants' Movement) have launched protests and other initiatives demanding better policies and more accountability.

Citation:

http://www.cis.es/opencms/ES/NoticiasNovedades/InfoCIS/2013/Documentacion_2981.html

Legislative Actors' Resources

Parliamentary
Resources
Score: 5

Spanish deputies and senators can draw on a set of resources suited for selectively monitoring some government activities but they cannot control effectively all dimensions of public policy. Resources for obtaining or generating self-produced or independent information and expertise are very limited, without real parliamentary research units or think tanks. Members of the bicameral General Courts do not even have an individual assistant, and the small number of expert staff is shared with other deputies or senators. Economic resources for the commission of independent research are also scarce.

Obtaining
Documents
Score: 8

According to Article 109 of the Spanish Constitution, the General Courts may request any kind of information or help they may need from the ministries, or from any other authorities of the central public administration or the autonomous regions “for the better fulfillment of the parliamentary duties.” Requests for information are made through the speaker. The information and documentation requested from the government must be made available within a period not exceeding 30 days and in the manner most suitable to the applicant. If this is not done, “the legally justified reasons preventing the supply of such information” must be provided. This legal margin allows the government not to

deliver some important documents (for example, on the grounds of secrecy) or to deliver them incomplete or late to the parliamentary committee.

Furthermore, although every member of a committee is in principle entitled to request any information or document, they can only do it “with the prior knowledge of their respective parliamentary group.” Access to documents may also vary depending on the ministry. Documents generally arrive in time and in full, but occasional examples of obstacles exist (for example, a report by the Ministry of Industry on the safety of a future radioactive waste storage facility dated January 2013 was not delivered to a minor opposition party deputy who challenged the veracity of the report.

Summoning
Ministers
Score: 8

According to Article 110 of the Spanish Constitution, the committees of both the Congress of Deputies and the Senate “may summon members of the government” to ask them questions. This also means that ministers and top officials are entitled to attend committee meetings and to be heard. Two important limitations to this mechanism of control exist: the first one is that at least 70 deputies or one fifth of the members of a committee need to make the request – that is to say, only the two main parties Popular Party (Partido Popular, PP) and the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) acting collectively can invite a minister.

The second limitation is that those initiatives are subsequently voted on – in the Bureau of Congress and the Board of Spokesmen – and the party supporting the government, which is always disciplined and easily able to get a majority of votes, may reject some of the requirements made by the opposition. Since 2011, the government enjoys an absolute majority and, even if petitions summoning ministers are rarely rejected, the PP controls the timing of the minister’s attendance and has delayed hearings on some sensitive topics. Nevertheless, the mechanism is frequently used, and once 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 voluntarily request to be allowed to report on matters relating to their respective departments.

Summoning Experts
Score: 9

The standing orders of the Congress of Deputies and the Senate state that parliamentary committees may request, through their respective speakers, “the attendance of persons competent in the subject-matter for the purposes of reporting to and advising the committee.” University scholars, think tank analysts and practitioners are sometimes invited for consultation. The rights of parliamentary committees to send invitations are not limited by any legal or de facto constraint and, even if those hearings with independent experts have not

Task Area
Congruence
Score: 7

been customary in the Spanish parliamentary tradition (and have sometimes even been criticized as lobbying practices), the truth is that requests have increased in recent years, particularly at the beginning of the legislative process or in specialized subcommittees.

There is nearly exact correspondence between the number and task areas of the 13 ministries and those of the Congress of Deputies' 17 regular legislative committees. In fact, the restructuring of ministerial portfolios in 2011 was immediately mirrored by a reorganization of the composition and names of the permanent legislative committees in the Congress. The only exceptions are the International Development, Culture and Equality committees, which do not match up with any single ministry (development policy is conducted from the Foreign Ministry, culture policy from the Education Ministry and equality policy from the Health and Social Services ministry), and the split of the task areas for the Ministry of Finance into two different committees: Budget, and Finance and Public Administration. For all the others, each parliamentary committee corresponds to one existing ministry.

The Constitutional Committee, aside from the other functions its name denotes, monitors the activities of the Government Office (Ministerio de la Presidencia, GO). Nonetheless, even if the task areas of parliamentary committees and ministries fully coincide, the legislature fails to monitor ministries effectively on the basis of factors which are connected to the much broader structural features of the Spanish parliamentary system such as the electoral system, party discipline or the constitutional powers of the executive.

Audit Office
Score: 7

Article 136 of the Spanish Constitution regulates the Audit Office (Tribunal de Cuentas or, literally, Court of Audit) as the organ that exercises the function of auditing the state's accounts and the financial management of the entire public sector. This office is accountable primarily to the bicameral General Courts, although is not an integral or exclusive part of it. The office's members are appointed by a qualified majority agreement of the two main parties, and thus may not be sufficiently independent – particularly when auditing the political parties' accounts (see "Party Financing").

State and public sector accounts are submitted annually to the Audit Office, which sends an annual statement of its auditing activities to the General Courts, 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. Subsequently, the annual audit statements are also published very late (in 2013 the report for 2008 was published). The audit function, which politically connects the Audit Office

with the General Courts, refers to the subjection of the public sector to the principles of legality, efficiency and economy, in connection with the execution of the revenues and expenses budgets. The results of the office's procedures are expressed in reports, motions and notes addressed to the General Courts through the Joint Committee of the Congress of Deputies and the Senate for Relations with the Audit Office.

Citation:
www.tcu.es (official website)

Ombuds Office
Score: 8

Article 54 of the Spanish Constitution established the Office of the Ombudsman (Defensor del Pueblo) as a high commissioner's office whose holder is appointed by the legislature to respond to requests, and to protect and defend basic rights and public freedoms on behalf of all citizens. He or she is authorized to supervise the activities of the government and administration, expressly forbidding any arbitrariness. The ombudsman is elected by both houses of the General Courts for a five-year period (thus avoiding coinciding with the legislative term of four years) by a qualified majority of three fifths. The office is not subjected to any imperative mandate, does not receive instructions from any authority (including the General Courts), and performs its functions autonomously. The officeholder enjoys immunity and inviolability during his or her time in the post.

During the period under review, the Ombudswoman Soledad Becerril appeared several times in the General Courts. Her mandate covers all central government authorities, the autonomous regions and local governments. The ombudsman is authorized to appeal before the Constitutional Court and may also initiate any habeas corpus proceeding. The ombuds office publishes annual reports for the General Courts and "monographic reports" on particular themes, as well as recommendations regarding the public administration's legal duties toward citizens.

According to the last annual report, most of the complaints are related to the functioning of the Spanish judiciary; some cases of alleged abuse by the police; the need for better protection of undocumented migrants; inefficiencies in education grants and scholarships; the bureaucratization of the health care system and errors detected in the levy of taxes. The advocacy role of the Spanish ombudsman is limited by several factors: (1) a lack of resources, (2) inadequate collaboration on the part of some public administrative departments, and (3) its incapacity to ensure that the administration complies with its recommendations.

Citation:

www.defensordelpueblo.es/en/index.html

Media

Media Reporting

Score: 7

Almost 71% of Spaniards watch TV news which is broadcast on a twice-daily basis at 14.00 – 15.00 and 20.30 – 21.30, making it the most important source of political information for the average citizen in Spain. Apart from these news programs, which are generally objective and balanced, several infotainment debates can be watched during workday mornings and in some evenings too (at weekends) but they are often superficial – focusing on polarized arguments with limited contextualized analysis. Due to the crisis and its consequences for Spaniards, there is much more interest than ever before in the background of economic and social policies, institutional design or international affairs, but this doesn't change the fact that most political programs tend to be talk shows. Nevertheless, the public television organization Televisión Española (TVE) has some high-quality information programs, although their audience ratings are decreasing and the political independence of the corporation has suffered since 2012 (see “Media Freedom”).

A significant number of Spaniards (31%) follow the political news via radio stations, which devote many hours a week to political information. All main stations have a morning program combining both background news and political debate (6.00 – 10.00), two news programs (14.00 – 15.00 and 20.00 – 21.00) and a late night one (22.00 – 24.00). Radio stations owned privately are more ideologically biased than major TV stations (with the participants in the radio debates blatantly biased in favor of or against the government). There are also daily radio programs of reasonable quality focused on business, and therefore on economic policymaking. Finally, the main newspapers (El País, El Mundo, ABC, La Vanguardia) are the media that provide more background information and contextualized op-ed analysis on the government's decisions. However, the number of print media readers is falling and, thus their impact limited.

Citation:

<http://www.noticiasdealava.com/2012/04/21/politica/estado/un-retroceso-para-la-independencia->

<http://www.elperiodico.com/es/noticias/tele/los-informativos-tve-1-pierden-liderato-con-2329770>

<http://www.elmundo.es/elmundo/2013/05/29/comunicacion/1369822293.html>

Parties and Interest Associations

Intra-party
Democracy
Score: 5

Only two parties – the Popular Party (Partido Popular, PP) and the Spanish Socialist Workers Party (Partido Socialista Obrero Español, PSOE) – can be considered major parties in Spain, having gained more than 10% of the popular vote in the last general elections.

The PP, in office since December 2011, is characterized by quite opaque internal decision-making processes. It is a heavily centralized party, although some of its regional branches enjoy significant independence – at least regarding decisions on personnel. The PP, in any case, seeks to speak with one voice (the voice of its president) and this can be illustrated with the last process for nominating Mariano Rajoy in 2011 as the candidate for prime minister without direct participation of party members, and despite some relevant internal resistance to his candidature. The decisions on how to fill the rest of the electoral lists and which position will be represented by the party in most issues are restricted to a small core leadership.

The PSOE, which was in office until December 2011, is not an example of inclusiveness or openness either, but is somewhat more participative than the PP. It is a less presidentialized organization in which internal debate on electoral programs is common and even public, frequently involving some of the regional branches (specially the powerful Andalusian section or the Catalan one, which is formally an independent party). The manner in which the PSOE selects its leader and main candidates is also somewhat more open, with participation of regional elected delegates and, in some cases, with primary elections for card-holders. For the next elections, the PSOE is considering following the French example and organizing primary elections open to all party supporters.

Citation:

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

Association
Competence
(Business)
Score: 8

As the economic situation in Spain has worsened, the main trade unions in Spain (UGT and CCOO) called for two general strikes in March and November 2012 against the labor reform and the austerity measures of the Popular Party (Partido Popular, PP). However, this does not mean that Spanish trade unions are radicalized and incapable of formulating relevant policies. They and the largest employers' association (CEOE) have improved their substantive competence in recent years through specialized research, contacts with

scholars, and their own training centers and foundations, which may help them to identify the causes of problems and analyze policy effects while taking long-term interests into account.

UGT is associated with the Fundación Francisco Largo Caballero, and CCOO with Fundación 1 de Mayo, while employers, apart from the training centers linked to the CEOE, have the Círculo de Empresarios and the Círculo de Economía think tanks. Other economic private groups include some farmer's associations (such as COAG and ASAJA), the National Federation of Fishermen's Association, some consumer associations (CEACCU and UCE) and the Spanish Confederation of Cooperative Business. All are capable of proposing relevant policy measures for their sectors.

Citation:

www.eleconomista.es/economia/noticias/4917149/06/13/CEOE-critica-las-bajas-de-cuatro-dias-por-muerte-de-un-familiar-Los-viajes-no-son-en-diligencia.html

Association
Competence
(Others)
Score: 8

Non-economic interest associations have always been relatively weak in Spain and it has been difficult for them to influence political decision-making with relevant policy proposals. Even the strong Catholic Church lacks a research unit capable of helping it formulate policies, although it is still influential on education and moral issues (particularly when the center-right Popular Party or Partido Popular, PP, is in office, as is being demonstrated in the change of legislation on abortion). Other minority religious communities are very tiny.

Leading environmental groups (e.g., Ecologistas en Acción or Greenpeace España), and some NGOs devoted to human rights (such as Amnesty International) or development aid (Intermon-Oxfam and other Spanish groups which benefited from the expanding public budget devoted to international cooperation in Spain during the late 2000s) have gained technical competence and rely increasingly on academic expertise and specialized publications to influence public opinion and policymakers on their areas of interest. Women's associations are weak as autonomous organizations but influential within the parties (especially in the Spanish Socialist Workers Party, Partido Socialista Obrero Español or PSOE) while the LGBT movement can be mentioned for its success defending homosexuals' rights and, particularly, same-sex marriage (a legal reform which was ruled as constitutional by the Constitution Court in December 2012).

Finally, and linked to the social protests derived from the crisis, some platforms or networks following the example of the 15-M Movement (the Indignants who "took the square" in demonstrations that began on 15 May

2011), have been able to gain the focus of the media and even shape public policy by asking for more transparency (for example, the group Democracia Real Ya) or better regulation of mortgages (for example, the Plataforma de Afectados por la Hipoteca or Mortgage Victims Association which won the 2013 European Citizen Prize granted by the European Parliament). Social movements promoting Catalonia's right to become an independent state, or promoting recommendations about the process-based on research undertaken by their own expert staff, can also be included in this recent trend of the revitalized civil society resulting from the crisis.

Citation:

www.eldiario.es/internacional/Parlamento-Europeo-PAH-Premio-Ciudadano_0_140336381.html

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