



Spain Report

Mario Kölling, Ignacio Molina,
César Colino (Coordinator)

Sustainable Governance Indicators 2020

Executive Summary

The social and economic crisis (2008 – 2013), which included several corruption scandals, eroded public trust in Spain's political system. This has had a remarkable impact on the party system since 2015. In addition to the two traditional forces, the conservative Popular Party (PP) and the Socialist Party (PSOE), the left-wing Podemos, the liberal Ciudadanos and the far-right party Vox have emerged, and are now crucial for the formation of majorities in the parliament. Since a grand coalition between the two traditional parties is still unlikely, the new parties are key potential partners in coalition or (possibly via confidence and supply agreements) for minority governments. A wider choice of political alternatives may represent a positive development, but it has come at the cost of reformist momentum and government stability.

After the no-confidence vote against Prime Minister Mariano Rajoy in May 2018, the Socialist government – drawing on the support of less than 25% of deputies –conveyed a picture of political change, but lacked the authority to implement deep policy changes. Nevertheless, the PSOE minority government announced ambitious policy reforms and focused on symbolic measures aimed at appealing to progressive voters. However, in February 2019, Spain's parliament failed to approve the annual budget for 2019, underlining the instability of the PSOE government. As a result, Prime Minister Sánchez decided to call for early elections on 28 April 2019. PSOE's victory in the elections, with 29% of the vote, seemed to be a sign of democratic resilience. However, by September 2019, no minority or coalition government had been formed and new elections were called for November 2019. The November 2019 elections will be the fourth parliamentary elections in four years.

The political debate during the period under review was also dominated by the Catalan crisis. Prime Minister Sánchez tried to find political alternatives to manage the conflict respecting the Catalan statute and the constitution. However, opposition from independence parties to the 2019 budget law and the trial of the secessionist leaders increased tensions. After the four-month trial of 12 independence leaders following the events in September and October 2017, which triggered Spain's worst political crisis since it returned to democracy, the unanimous verdict of the seven judges was announced on 14 October 2019. Nine of the 12 accused received prison sentences for the crimes of sedition, with four of the nine also found guilty of misuse of public funds.

Their sentences ranged from nine to 13 years. The remaining three accused were found guilty of disobedience and were fined. Although the ruling reflects a strict application of criminal legislation in a rule of law, and the trial met all the requirements of due process, transparency and separation of powers, the Catalan president, Quim Torra, urged an amnesty for those convicted and called for disobedience. After the verdict was made public, protesters gathered at Barcelona-El Prat Airport following instructions by various pro-independence associations, causing the cancellation of 108 flights. Over the following days, police and protesters clashed in Barcelona torching cars and setting up barricades. Pro-independence supporters also held a peaceful protest in Barcelona. Though tens of thousands of people marched in Barcelona in October to demonstrate against the Catalan separatist movement.

In contrast to this turbulent political panorama, economic growth remained solid though the growth rate decelerated in 2019. Nevertheless, the European Commission decreased its 2019 GDP growth forecast for Spain from 2.6% to 1.9% in November 2019. Growth rates are expected to slow further in 2020 to 1.5%, which is worrisome given the size of the country's public debt burden. Other economic indicators show that competitiveness gains have continued to support exports. However, the contribution of net exports to growth is declining and recovery has also been driven by domestic demand. Moreover, average incomes remain lower than before the crisis and bank lending remains limited. Unemployment rates are still high, at 14.2% of the labor force at the time of writing.

The future of pensions was another important issue on the political agenda during 2019. The effects of the crisis and increasing life expectancies have reopened the debate on the future of the social security system. Spain's social security fund has shrunk from €67 billion at its peak in 2011 to just €1.5 billion in autumn 2019. Although the PSOE government announced a reform of the pension system, no progress could be achieved. The European Commission requires action in this field to address the adequacy of future retirees' incomes, the length and completeness of their working careers in a context of high rates of unemployment and part-time employment, and widespread use of temporary contracts.

Due to the political deadlock, no tax reforms could be approved and Spain continues to collect less in taxes relative to wealth than most other European countries, making ambitious education, welfare and environmental policies difficult.

Key Challenges

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

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

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

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

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

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

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

Party Polarization

From the mid-1980s to the mid-2010s, Spain's national party system was dominated by a simple competition between the social-democratic Spanish Socialist Workers Party (PSOE) and the conservative People's Party (PP). The bipolar left-right competition led to a majoritarian and confrontational style of democracy, but as major parties tended to win an absolute parliamentary majority, polarization was no more than a minor obstacle with regard to policymaking. However, a number of factors (including economic crisis, corruption scandals, lack of popular trust in the two mainstream traditional parties and the secessionist conflict in Catalonia) have produced a newly fragmented and more polarized party system. Since 2014, the leftist anti-establishment Podemos party and the center-right Ciudadanos have entered the national arena, the moderate nationalist Catalan forces have collapsed, and an emergent right-wing populist party, Vox, has emerged with strength. Thus, the April/May 2019 elections resulted in a further fracturing of the political landscape.

While the wider choice of political alternatives for voters may be healthy, it has come at the cost of reformist momentum and government stability. Moreover, polarization has proved to be a significant obstacle to cross-party agreement and the formation of parliamentary majorities. Following parliament's rejection of the state budget in February 2019, the minority Sánchez government collapsed and early general elections were called for April 2019. However, following the April 2019 elections, parliamentary support for a minority or coalition government could not be secured. Thus, further elections were called in September 2019, which are due to be held in November 2019. With polls predicting that no party or block will win enough support to form a governing majority and after four elections in only four

years, Spaniards are facing the prospect of several further weeks or even months of tense coalition negotiations among parties split into increasingly antagonistic left-right blocks.

The increasing political polarization not only affects political conflict and the electoral arena, but may affect the capacity of the government to address an economic slowdown, high unemployment, precarious public finances, the Catalan crisis, maintenance of social cohesion and, in the long run, the stability of the democracy itself. Spain needs a certain stability and normal government. (Score: 4)

Citation:

Dieter Nohlen, Mario Kölling (2020). Spanien: Wirtschaft – Gesellschaft – Politik. Wiesbaden: Springer.

<https://www.ft.com/content/48d3ed7e-674d-11e9-9adc-98bf1d35a056>

Policy Performance

I. Economic Policies

Economy

Economic Policy
Score: 7

Spain's economic situation remained stable in 2019. Spain's 1.9% economic growth rate for 2019 is higher than other large EU member states and the rest of southern Europe (aside from the tiny Mediterranean islands of Malta and Cyprus), but shows signs of slowdown. The recovery that began in 2014 has remained solid for six years in a row, consistently above the euro zone average, although this tendency has weakened toward the end of this period and, in particular, during 2019. In the context of domestic and international political and economic instability, growth is expected to decline to an annual rate of 1.5% in 2020 according to the European Commission.

Economic growth continues to be driven by private consumption, equipment investment and the positive contribution of net exports. However, the large stock of internal and external debt, both public and private, and high unemployment, in the context of weak productivity growth, are significant vulnerabilities. For its part, tourism, which is a key sector for the Spanish economy and employment, suffered an 1.3% fall in the number of foreign tourists visiting the country in July 2019 with respect to the same month in 2018 (according to data from the National Statistics Institute). This is the second consecutive year that the figure has fallen in the same period, mainly due to a decline in British and German visitors, and the competitiveness of other Mediterranean countries.

Citation:

European Commission (2019), Autumn 2019 Economic Forecast: A challenging road ahead, Spain
https://ec.europa.eu/economy_finance/forecasts/2019/autumn/ecfin_forecast_autumn_2019_es_en.pdf

September 2019, El Pais, Spain sees fall in July tourist visits for second year running,
https://elpais.com/elpais/2019/09/02/inenglish/1567423811_074989.html

Labor Markets

Labor Market
Policy
Score: 6

Though still quite high compared to other OECD countries, Spain's jobless rate fell again during 2019 to 14.1%, 13 points below an all-time high of 27% six years before. In the first semester of 2019, job recovery was still positive, with 446,000 jobs created. After public-spending cuts implemented in the early 2010s, public employment grew by 107,900 employees. Although this progress is positive news (take into account that the average unemployment rate over the past 40 years has been around 16%), the unemployment rate remains very high and the high degree of labor market segmentation between temporary and open-ended contracts impedes faster labor productivity growth. In addition, jobs creation figures during 2019 are the weakest since the summer of 2014.

The Socialist government lacked the majority needed to introduce changes in a labor-market regulatory regime that has continued to show a number of problems, including: 1) a lack of flexibility, 2) a high share of undeclared work and, 3) a dual labor market that affects young and low-skilled workers particularly strongly. Analysts also point to the existence of several contract modalities, a flawed social dialogue and expensive compulsory social-security contributions. At the end of the period under review, a minimum salary hike was approved with the consequences for unemployment uncertain.

Citation:

INE (2019) Economically Active Population Survey:

OECD (2019), Unemployment rate (indicator). doi: 10.1787/997c8750-en

Taxes

Tax Policy
Score: 5

Spain collects less in taxes relative to wealth than do most other European countries. The tax-to-GDP ratio in Spain increased from 33.2% in 2000 to 34% in 2019, but it is still low when compared with an EU average of 40%. The former PSOE government announced an increase in annual tax collections to 42% of GDP with a structural impact of an estimated €55.7 billion. The measures included in the 2019 budget comprised an increase in income-tax rates, changes in corporate-tax structures, an increase in tax surcharges on fuel as well as the creation of the Tax on Specific Digital Services and the Financial Transaction Tax. However, the 2019 budget was not adopted. Notwithstanding this fact, treasury revenues rose during 2019 thanks to economic growth, wealth creation and the modernization of revenue-collection mechanisms.

Existing tax policy is difficult to assess with regard to equity and competitiveness. Vertical equity exists in principle, but horizontal equity suffers due to 1) corporate-tax engineering, 2) the prevalence of fraud and 3) the scope of the underground economy.

Budgets

Budgetary Policy
Score: 6

The failure to approve the 2019 Budget Bill in February 2019 resulted in the automatic extension of the 2018 budget through 2019. Thus, the expenditure for 2019 covers virtually the same levels of expenditure as the 2018 budget. However, revenue will be affected by the absence of new tax measures. The consolidated budget out-turn of the government in June 2019 was a deficit of -2.14% of GDP (central government: -0.91%, regional governments: -0.65%, social security system: -0.68%, local administrations: -0.03%) against -1.88% recorded in June 2018.

Driven by the cyclical improvement of the economy, declining interest expenditures and an increase in tax collections, the deficit shrank from 4.5% of GDP in 2016 to 2.3% of GDP in 2019. Due to this effort, in June 2019, the European Council closed the excessive deficit procedure for Spain, confirming that Spain reduced its deficit below the European Union's 3% of GDP reference value. Spain is now in the preventive stage, where the European Commission no longer sets targets for reducing the nominal deficit but focuses on the progressive correction of the structural deficit. Regarding the 2020 budget, the European Commission sent a letter to the Spanish government warning that there was a significant probability that Spain would fail to comply with the planned deficit and asking that Spain implement a €7.5 billion readjustment.

Despite continued robust GDP growth, government debt as a share of GDP remains high. According to the Stability Program, the government debt-to-GDP ratio is expected to decrease from 97.1% in 2018 to 95.8% in 2019, before reaching 88.7% in 2022.

Citation:

EC(2019), Autumn 2019 Economic Forecast: A challenging road ahead, Spain

https://ec.europa.eu/economy_finance/forecasts/2019/autumn/ecfin_forecast_autumn_2019_es_en.pdf

Spanish Government (2019), Stability Programme Update 2019-2022

Research, Innovation and Infrastructure

R&I Policy
Score: 6

Research and technology policy remained a weak point during the period under review, as evidenced by the low number of patents registered, the relatively poor international ranking of universities and the low level of

spending on R&D. Due to the failure to approve the 2019 budget, investments in R&D account for just 1.2% of GDP in 2019 in comparison to EU and OECD averages that are above 2%. The main Spanish research centers criticized the inaction of the caretaker PSOE government in October 2019. While the government presented an urgent action plan to address the paralysis in the science sector in March 2019, only a few minor measures could be implemented because of the budget deadlock.

However, according to the latest report published by Cotec (a Spanish public-private foundation that promotes innovation), some positive signs can be identified. The European Commission's 2019 Innovation Scoreboard stresses that Spain's performance has increased relative to 2010 with regard to several indicators, with human resources the strongest performing innovation dimension. Spain also scores high on sales of new-to-market and new-to-firm product innovations, broadband penetration, and doctorate graduates. However, private investment in R&D continues to be the weakest performing innovation dimension. Other low-scoring indicators include SME in-house innovation, knowledge-intensive service exports and SME product or process innovation. Spain also came out relatively well in the 2019 Nature Index, ranking as the 11th most prolific country worldwide in terms of scientific performance.

Citation:

EC(2019), European Innovation Scoreboard
<https://ec.europa.eu/docsroom/documents/35912>

Cotec(2019), Informe para la innovación
http://informecotec.es/media/INFORME-COTEC-2019_versionweb.pdf

Nature Index(2019)
<https://www.natureindex.com/country-outputs/spain>

El Pais, November 2019, Spain's scientists burdened by legal uncertainty and lack of funding.,
https://elpais.com/elpais/2019/10/31/inenglish/1572520930_378460.html

Global Financial System

Stabilizing
 Global Financial
 System
 Score: 7

Though aware of its limitations as only a medium-sized power and indebted economy, Spain behaves as an important partner in international forums and tries to contribute actively to improving the regulation and supervision of financial markets. Spain is a permanent invited guest to G-20 meetings, and sits on the Financial Stability Board. It is also part of the IMF system (with 1.94% of the votes) and the World Bank (1.74%). Spain has also been engaged within the OECD in the fight against tax havens, with a particular focus on Andorra and Gibraltar. At the European regional level, Spain is a member of the European Union and is the fourth most important state within the euro

zone. It has pushed hard in recent years for a banking union and for the European Central Bank to take a more active role in strengthening the single European currency. It has also sought to strengthen regulation of rating agencies.

II. Social Policies

Education

Education Policy
Score: 7

Despite the education system's outstanding improvement since the 1980s, Spaniards largely regard educational outcomes within their country as mediocre. In fact, the education system was ranked at only 24th place among OECD countries (based on PISA test results). Reasons for the poor results, although the causes differ strongly across regions, include a curriculum regarded as out of date, poor teaching quality and the large number of students who repeat years. Although early school-leaving rates continue to decrease figures are still very high. Among EU member states, the percentage of early leavers from education and training in 2018 ranged between 3.3% in Croatia and 17.9% in Spain.

In 2017, Spain spent 3.1% of GDP on primary and secondary education, compared to an OCED average of 3.5% of GDP. Private spending on education is significant, while public spending has remained the same compared to GDP. However, spending levels vary across the regions (most public spending on education is managed at the subnational level by the autonomous communities' governments). This diversity is the result of differing orientations on education policy, the financial resources available and number of private centers in each region.

The education system continues to experience challenges related to quality and equity. However, the system has been shaped not only by socioeconomic struggles over distribution, but also by conflicts over religious, linguistic-cultural and national identity issues, as well as political factors. In 2019, the PSOE-government announced that it would provide universal access to preschool education (0-3 years), and would reverse measures implemented during the hardest austerity years, such as the increase in the teacher-student ratio and the increase in instructors' teaching hours. However, at the time of writing, planned reforms, reflecting political uncertainties, have been slowed down. Nevertheless, the process of modernizing vocational education and training is ongoing.

Citation:

OECD(2019), Spain – Overview of the education system, <http://gpseducation.oecd.org/CountryProfile?primaryCountry=ESP&treshold=10&topic=EO>

EC(2019), Education and Training Monitor, Spain

https://ec.europa.eu/education/sites/education/files/document-library-docs/et-monitor-report-2019-spain_en.pdf

Social Inclusion

Social Inclusion
Policy
Score: 6

Societal exclusion remains a problem for Spain. However, the population at risk of poverty or social exclusion (AROPE rate) stood at 26.1% in 2018 compared to 26.6% in 2017. Thus, the AROPE rate has now fallen below the 2010 figure, according to the Spanish statistical institute.

Those at a higher risk of marginalization include immigrants, unemployed youth and elderly people with minimal pensions. According to the Spanish statistical institute, child poverty in Spain (under 16 years old) is a particularly serious problem. In 2018, 28.8% of children were at risk of poverty or social exclusion. This included 26.2% of children who were at risk of poverty, 7.3% who lived in households with a low intensity of employment and 6.2% who endured severe material deprivation.

Finally, the share of employed people living under the poverty threshold is also very high. The country was given 24th place in the 2017 Social Justice Index. The high long-term poverty rate, along with the absence of an effective policy to lift people out of poverty, has already had negative effects on social coexistence. Seeking to address this situation in 2018, the government created a High Commissioner for the Fight against Childhood Poverty within the Prime Minister's Office aimed at defining joint lines of action to improve living conditions and opportunities for children living in Spain.

Nonetheless, Spain is on par with the OECD average in terms of welfare spending on pension, family, health and integration policies as a share of GDP. Moreover, the situation is better with regard to areas of discrimination not associated with poverty, particularly regarding LGBTI rights (see “Non-discrimination”) and gender equality. In the PSOE-government 2018 – 2019, two-thirds of the cabinet ministers were women, while the WPS Index (Georgetown Institute for Women, Peace and Security) ranks Spain 15 out of 153 countries with regard to societal inclusion and security for women.

Citation:

EC (2019), Europe 2020 targets – https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester/european-semester-your-country/spain/europe-2020-targets-statistics-and-indicators-spain_en#poverty-and-social-exclusion

INE (2019), Living Conditions Survey
https://www.ine.es/dyngs/INEbase/en/operacion.htm?c=Estadistica_C&cid=1254736176807&menu=ultiDatos&idp=1254735976608

Bertelsmann Stiftung(2019), Social Justice Index Report
https://www.bertelsmann-stiftung.de/fileadmin/files/BSSt/Publikationen/GrauePublikationen/NW_EU_Social_Justice_Index_2017.pdf

Georgetown University (2019), Women, Peace, and Security Index, <https://giwps.georgetown.edu/the-index/>

Health

Health Policy
 Score: 8

The Spanish national healthcare system is a highly decentralized one. This is because executive competences are transferred to the 17 autonomous communities, with the national level responsible for certain strategic areas as well as for the overall coordination and the national monitoring of regional performance. The healthcare system largely achieves the criteria of quality, inclusiveness and cost efficiency. According to the 2019 edition of the Bloomberg Healthiest Country Index, which examined 169 economies, Spain is the healthiest country in the world, while its healthcare system ranks third in terms of efficiency. OECD data also shows that Spain has the second-highest life expectancy after Japan, with Spain predicted to rank first by 2040. Spaniards' self-perceptions of their health status and their national healthcare system reflect a degree of satisfaction that is quite high in cross-OECD comparison.

However, rates of mental illness, diabetes and drug consumption are higher than the European averages. Population aging and the subsequent increase in the incidence of chronic diseases present significant challenges to the system's sustainability over the medium and long term. Moreover, the number of practicing doctors and nurses, and available hospital beds per 1,000 residents is relatively low while other deficiencies relate to waiting lists, patient rights and sickness prevention. There is interregional inequality too.

Nevertheless, access to a core set of high-quality healthcare services is today guaranteed through a public insurance system that covers 99% of the population. In 2019, the Ministry of Health, Consumer Affairs and Social Welfare launched a number of initiatives. These initiatives included the withdrawal from market of thousands of homeopathic products, as well as the drafting of legislation to regulate euthanasia and incorporate a "right to die" in public healthcare for patients that have "a serious and incurable" or "incapacitating" disease that causes "unbearable suffering."

Citation:
 Enrique Bernal-Delgado (2018), Spain – Health system review – http://www.euro.who.int/__data/assets/pdf_file/0008/378620/hit-spain-eng.pdf?ua=1

Bloomberg (2019), Healthiest Country Index
<https://www.bloomberg.com/news/articles/2019-02-24/spain-tops-italy-as-world-s-healthiest-nation-while-u-s-slips>

Families

Family Policy
 Score: 7

Spain has a very low fertility rate, which is one partial outcome of the timidity of family-support policies and the instability of the labor market. Traditional family patterns (in which mothers focus on household work and childcare duties) have changed rapidly in contemporary Spain, but without any explicit family-support policy, traditional gender roles still keep women in unequal positions. There is a wage and pension-value gap of close to 23% between men and women, and unemployment are disproportionately high among women. According to the National Institute of Statistics, women in Spain dedicate 26.5 hours a week to non-remunerated tasks, compared to just 14 hours for men. Employed women are also more frequently represented in lower-paid occupations, even though women on average have a higher level of education than employed men.

The slow implementation of programs providing care for dependents has made it difficult for women to free themselves of the burden of family care. However, men can benefit from a statutory paternity leave ranging from 13 days to five weeks. The failed 2019 budget included a further increase in paternity leave for men.

Following a significant rise in the incidence of gender-based violence, and after numerous public protests and demonstrations, most political parties (with the exception of the far right Vox party) are determined to tackle gender-based violence. In 2019, a nationwide strike demanding an end to unfair wages and domestic violence was held on the occasion of the International Women's Day.

Citation:
 EC (2019), Report on equality
https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/annual_report_g_e_2019_en.pdf

Pensions

Pension Policy
 Score: 6

Spanish pension policy achieves the goal of poverty prevention, but meets intergenerational-equity and fiscal-sustainability standards to only a moderate degree. The pension system represents the largest single piece of public spending (more than €120 billion), and pensioners maintained their purchasing

power during the crisis years. Moreover, whereas the poverty rate among Spain's general population is 26%, the rate among the elderly is only 12%. Thus, the elderly are less economically vulnerable than active but unemployed workers, which demonstrates that the current system does not ensure equity across different generations – that is, pensioners, the active labor force and youth. There is no shortage of warnings from within or outside Spain (e.g., the Bank of Spain, IMF and OECD) that the country's pensions system is heading toward a crisis.

The model (with the exception of private pension plans that are publicly subsidized through favorable tax treatment) is based on a pay-as-you-go methodology that relies on current contributors to the insurance system being able to pay the expenses for the current generation of recipients. However, shifting demographics in combination with longer life expectancies are leading to an unsustainable population pyramid that is worse in Spain than anywhere else in Europe. Moreover, the impact of the crisis reduced the country's accumulated reserves, with the social-security fund diminishing from €66 billion at its peak to just €1.5 billion in autumn 2019. Consequently, debates over the long-term fiscal sustainability of the social-security system have topped the political agenda. In 2019, several demonstrations by pensioners across Spain added additional urgency to the political debate.

It is very doubtful that the country will be able to maintain a sufficient employment-population ratio or increase productivity enough to compensate for societal aging under the current system. In the 2013 pension reform, a pension revaluation index was introduced, and beginning in 2019, a sustainability factor was to be added linking the level of state pensions to life expectancy. These changes were intended to help the system achieve sustainability in the long run. However, due to societal pressure, the 2018 budget included a 3% increase in the lowest pensions, and a general revaluation of pensions by 1.6% to compensate for inflation. In 2018, the parliamentary committee on public-pension reform agreed to return to the pre-2013 practice of increasing pensions according to the consumer price index, and to eliminate the sustainability factor (or at least delay its introduction until 2023). Attempts to reach an agreement on a reform were torpedoed at the beginning of 2019 when the left-wing party Podemos introduced last-minute amendments to a draft agreement that was being prepared by the so-called Pacto de Toledo congressional committee on pensions reform.

Citation:

Universidad de Extremadura (2018), El incremento de las pensiones contributivas

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

Vanguardia, 19/02/2019 El Pacto de Toledo se cierra sin un acuerdo en pensiones a las puertas de las

elecciones, <https://www.lavanguardia.com/economia/20190219/46575394998/pensiones-pacto-de-toledo-gobierno-elecciones-jubilacion.html>

Integration

Integration Policy
Score: 7

Spain ranks 11th out of 38 Western democracies in the latest available edition of the Migrant Integration Policy Index, and is particularly progressive regarding the issues of family reunions and permanent residence. Most immigrants are first-generation, as in the case of Latin Americans, share a common language and cultural links with the native population. Even though the government has taken little action in this area, the population's degree of tolerance toward immigrants is striking. In a survey conducted in September 2019 by CIS, the country's official statistics agency, only 11.8% of Spaniards listed immigration as one of their main concerns (15.6% in September 2018). Violent attacks on immigrant groups are very rare, and in contrast to most comparable EU member states. However, in December 2018, the xenophobic populist party Vox won seats in the Parliament of Andalusia, and in the national parliament and other regional parliaments in 2019.

Nevertheless, there is no active policy that has the objective of integrating economic migrants and asylum-seekers into Spanish society. Furthermore, illegal immigrants are frequently housed in prisons due to a lack of room at the Foreigner Internment Centers (Centros de Internamiento de Extranjeros). Although the Spanish government supported the EU system for the reallocation of refugees, the number of refugees accepted by Spain during 2019 has been very low. Migratory pressure had been increasing since 2017. Nevertheless, in 2018, the PSOE-government decided to accept humanitarian vessels that had been rejected by Malta and Italy, such as the Aquarius NGO vessel. In 2019, the caretaker PSOE government adopted tougher measures – including pushback policies at the land borders between the Spanish autonomous cities of Ceuta and Melilla, and Morocco – and prevented NGO-run humanitarian ships from sailing to the central Mediterranean. However, Spain is no longer the main Mediterranean route for undocumented migrants, with arrivals falling from 64,298 in 2018 to 24,159 in 2019 mainly due to efforts by the Moroccan authorities.

Citation:

Migrant Integration Policy Index (2015)

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

El País, 17.10.2019 Spanish government reduces irregular immigration by half, https://elpais.com/elpais/2019/10/16/inenglish/1571226785_534397.html

Safe Living

Internal Security
Policy
Score: 7

Compared with other OECD countries, Spain performs quite satisfactorily in protecting citizens against security risks and public confidence in the police force is high. The official data shows that violent crimes rate is one of the lowest in the world, although the figures are somewhat higher for assaults or muggings. As the terrorist attacks in Madrid in 2004 and Barcelona in 2017 showed, the government of Spain and its citizens are a principal target of jihadist extremism.

Although the share of police officers per capita is among the highest in the world, and the intelligence and police communities have demonstrated their capabilities in terms of fighting terrorism, poor coordination mechanisms among the police forces at the local, regional and national level, as well as politicized intergovernmental relations, reduce the efficiency of the system. During the Catalan conflict, questions of loyalty and trust in the Catalan regional police force were raised. During the protests that followed the Spanish Supreme Court sentencing of Catalan separatist leaders over their roles in the failed secession bid in 2017, the regional police force urged its members to behave in a neutral manner and to avoid taking sides in the conflict.

Although the PSOE-government announced a reform of the law on public safety (Organic Law 4/2015) approved in 2015, the law could not be amended due to the early elections in 2019.

Citation:

Kölling(2019), Spain, in Leuprecht, (ed.), Public Security in Federal Polities, University of Toronto Press.

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

Global Inequalities

Global Social
Policy
Score: 7

Budget cuts severely restricted the funding available for policies and instruments designed to enhance Spain's influence abroad. In 2019, Spain will give just 0.21% of its GDP to official development assistance. The conservative Rajoy government approved the 5th multiannual plan for cooperation policy 2018 – 2021 in 2018, but the plan failed to receive the support of the agents involved, mainly due to the lack of budgetary resources and its lack of specific deadlines. The draft budget for 2019, prepared by the Sánchez government, proposed increasing funding. Though due to political deadlock in 2019, Spain remains a modest donor.

Nonetheless, the PSOE government has made the issue a much greater political priority. A cross-cutting, coordinating structure covering the entire public administration (the High Commissioner for the 2030 Agenda) was created within the Prime Minister's Office. The new commissioner will promote coherent and proactive international action on behalf of the U.N. Sustainable Development Goals. Pedro Sánchez also defended the Global Compact for Safe, Orderly and Regular Migration. During the 74th session of the U.N. General Assembly, Spain's caretaker minister of foreign affairs, Josep Borrell, underlined that the Agenda 2030 is an indispensable roadmap for Spain that will address global challenges and increase Spanish cooperation in the frame of this new strategic vision.

Citation:

Donor Tracker: Spain

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

Government of Spain(2019), Action Plan for 2030 Agenda Implementation. <https://www.lamoncloa.gob.es/consejodeministros/referencias/Paginas/2018/refc20180629.aspx#AGENDA>

III. Environmental Policies

Environment

Environmental
Policy
Score: 7

In recent years, Spain's policies regarding sustainability, protection of its exceptionally diverse natural habitats or general environmental quality have been ineffective and/or have lacked ambition. However, in February 2019, the Council of Ministers presented the Strategic Energy and Climate Framework, which includes:

- a) The National Integrated Energy and Climate Plan 2021 – 2030, which aligns with an EU goal for reducing greenhouse gas emissions and current rules for sharing out.
- b) The Draft Bill on Climate Change and Energy Transition, which aims to achieve carbon neutrality by 2050.
- c) An accompanying strategy of support and just transition, which will ensure that individuals and regions make the most of the opportunities created by this transition.

Combined together, these different elements introduce a more solid and strategic framework for the decarbonization of Spain's economy.

According to the Framework Plan, which is expected to mobilize €235 billion in investment between 2021 and 2030, Spain aims to reduce greenhouse gas emissions by 2030 by between 20% and 21% compared to 1990 levels, and will increase the proportion of renewable energies within total energy consumed to 42%. As regards electricity generation, the percentage of renewables will stand at 74%. The Framework Plan was submitted in February 2019 to the European Commission for evaluation. Although the International Institute of Law and the Environment considered the Framework Plan a step in the right direction, the institute also stated that more concrete measures and more ambitious objectives are necessary.

So far, a number of private sector participants have announced concrete measures. Iberdrola, the country's largest energy company, is set to close all its coal-fired power plants by June 2020. In 2019, Iberdrola also laid out a plan to build Europe's largest solar power plant in Spain.

Despite this progress, air quality remains a big problem in Spain's larger cities, such as Madrid and Barcelona. Though local governments in Madrid and Barcelona have approved measures to reduce pollution, Madrid and the metropolitan area of Barcelona continue to exceed the limits on nitrogen dioxide. In 2019, the European Commission warned Spain that it may face disciplinary action if it does not introduce tougher measures to reduce air pollution. Finally, regarding the protection of natural resources and biodiversity, the country has a mixed record.

Citation:

July 2019, El Pais: "Brussels calls on Madrid, Barcelona to do more to combat air pollution"-
https://elpais.com/elpais/2019/07/11/inenglish/1562829294_423030.html

September 2019, El Pais: "Madrid Central considered one of the most effective anti-pollution plans in the EU"

https://elpais.com/elpais/2019/09/11/inenglish/1568214176_656688.html

July 2019, Catalan News, Colau's new plans for Barcelona to tackle the climate crisis

<https://www.catalannews.com/society-science/item/colau-s-new-plans-for-barcelona-to-tackle-the-climate-crisis-2>

Global Environmental Protection

Global
Environmental
Policy
Score: 7

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

the High Commissioner for the 2030 Agenda with horizontal competences across the entire public administration.

The Spanish government also supported several foreign projects (such as the construction of wind farms in developing countries and the establishment of the Ibero-American Network of Climate Change Offices, in conjunction with Latin American countries), as well as emissions-trading projects aimed at helping the country comply with its pledges to reduce national CO₂ emissions. More importantly in terms of international initiatives, Spain joined the Carbon Neutrality Coalition. The members of the Carbon Neutrality Coalition, which include Canada, Denmark and the United Kingdom, have vowed to reach a state of carbon neutrality by 2050. In the fight against forest fires, Spain is now a global reference country in the prevention and extinction. It has announced a more ambitious national determined commitment (NDC) for lowering emissions and has strongly supported European Union's Green New Deal. Spain also belongs to the Finance Ministers' Coalition for climate action, and signed the Helsinki Principles to share best practices and introduce environmental taxation reform.

At the end of the period under review, the government of Pedro Sánchez sent a strong signal of its active commitment to contribute to the design and advancement of global environmental protection regime. At the end of October 2019, Chile announced that it could not host the COP 25 event because of violent anti-government protests in the capital of Santiago. With barely a month before the conference was expected to be held, Spain stepped in and agreed to host the event in Madrid, a considerable task that the German government had said "would not have been logistically possible" at the UNFCCC's headquarters in Bonn, where the COP was held in 2017. Nevertheless, Chile retained the presidency, with the event rebranded as "COP 25 Chile Madrid."

Citation:

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

November (2017), "Progress toward Europe's climate and energy targets" <https://www.eea.europa.eu/themes/climate/trends-and-projections-in-europe/trends-and-projections-in-europe-2017/index>

November 2019, El País, Spain to host UN climate summit, https://elpais.com/elpais/2019/11/01/inenglish/1572600094_630306.html

<https://www.carbonbrief.org/cop25-key-outcomes-agreed-at-the-un-climate-talks-in-madrid>

Quality of Democracy

Electoral Processes

Candidacy
Procedures
Score: 9

Spain's legal and administrative regulations for validating party lists and candidacies is fair and flexible. This was again demonstrated during the national and regional elections in 2019. In 2019, the OSCE Office for Democratic Institutions and Human Rights expressed a high level of confidence in the framework and management of the parliamentary elections.

Almost every Spanish adult is eligible to run for public office. Legislation on gender parity (Organic Law 3/2007) requires party electoral lists to have a balanced gender representation, with each sex accounting for at least 40% of the total number of candidates.

Fair and nondiscriminatory registration is protected by a number of guarantees overseen both by the electoral administration and the courts, including the Constitutional Court through a fast-track procedure. The only restrictions on candidacies contained in the electoral law apply to specific public figures (the royal family, some public officials, judges, police officers and members of the military) and those who have been convicted of a crime.

The European Parliament and national elections in Catalonia in April/May 2019 were a special case, since several candidates were being held in custody awaiting trial during the elections, while others had fled the country. In October 2019, the Supreme Court sentenced nine Catalan separatist leaders to between nine and 13 years in prison after finding them guilty of sedition in connection with the illegal referendum of October 2017. The independence leaders are also barred from holding public office for between one and nine years.

However, this case shows that Spanish procedures for registering candidates are fair and that everyone (including those prosecuted for serious criminal offenses and even fugitives) has the opportunity to become an election candidate without restriction or discrimination.

:

OSCE Office for Democratic Institutions and Human Rights (2019), Spain Early Parliamentary Elections, <https://www.osce.org/odihr/elections/spain/416252>

Media Access
Score: 8

The media environment is pluralistic and offers a diverse range of views. In the context of the April 2019 elections, the OSCE Office for Democratic Institutions and Human Rights noted that overall Spanish media operates freely, despite some concerns regarding to the concentration of media ownership. All democratic parties or candidates have access to the public media without unreasonable or systematic discrimination. The electoral law regulates strictly the access to public television and public radio networks during electoral campaigns. The system is even very rigid, allocating times for free advertisement slots (paid advertising is not allowed) and news coverage. Thus, parties receive a free slot every day, with its length depending on their share of the vote in the previous elections.

A similar system operates with regard to news coverage, where the time allocated to each party is also proportional to the previous electoral results. A reform of the electoral law in 2011 extended the system of proportional news coverage during the electoral period to privately owned television stations. New candidates or parties find it difficult to gain public media access in this system. In April 2019, election officials suspended a five-candidate televised debate on a private network (Atresmedia group), which would have included the far-right party Vox. The decision came after three regional parties from Catalonia, Basque Country and the Canary Islands complained that they were being left out. According to the legal framework, private networks are obliged to respect the same principles of “neutrality and equality” as public stations and only parties that had earned at least 5% of votes at the last general election could participate in these debates. Though this did not prevent Vox from achieving electoral gains. After having obtained more than 5% in the April 2019 elections, Vox participated in the TV debate for the November 2019 elections.

Apart from this special regulation for campaigns, empirical work shows a significant connection between media and parties with the same political orientation. For parties not represented in parliament and which therefore have no legal guarantee to broadcast time, the situation is more difficult. They must rely on the internet and small direct digital TV channels.

During the April/May 2019 elections, many party representatives raised general concerns about the spread and impact of online disinformation.

Citation:

OSCE Office for Democratic Institutions and Human Rights (2019), Spain Early Parliamentary Elections, <https://www.osce.org/odihr/elections/spain/416252>

Voting and
Registration
Rights
Score: 8

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

The only two notable problems are related to immigration and emigration. The 5 million foreigners who live in Spain are not entitled to vote in national elections and naturalization is not easy even for foreign residents of long standing. However, this restriction is common to all advanced democracies. EU citizens can vote in local and European Parliament elections as in May 2019, and non-EU citizens are entitled to cast ballots in local elections if their home countries reciprocally allow Spaniards to vote.

Much more problematic is the exercise of voting in Spain of Spanish citizens living overseas, who face onerous bureaucratic obstacles to participating in elections as well as occasional technical failures in the administrative work of consular departments. Although 90% of the roughly 2 million Spaniards who live abroad are registered, the voting procedure is complicated and, as a result, turnout rates among expatriates are extremely low (under 5%). The parliament has recognized the need to address deficiencies in voting by post from abroad and has considered several proposals to ease the current requirements. However, no proposal was formally adopted in 2019 and, thus, the problem has persisted during the period under review, which was critical with many elections held at the national (two), regional (in 14 out of the 17 autonomous communities), local and European levels.

On a more positive note, the parliament amended the electoral law in December 2018 and lifted restrictions on the right to vote for persons with disabilities, including those previously declared incapable by a court decision. This amendment enfranchised some 100,000 citizens.

Citation:

OSCE Office for Democratic Institutions and Human Rights (2019), Spain Early Parliamentary Elections, <https://www.osce.org/odihr/elections/spain/416252>

Party Financing
Score: 6

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

membership fees) and corporations. The law was reformulated in 2015 as part of an anti-corruption plan aimed at increasing transparency and imposing sanctions following the emergence of a significant number of scandals in previous years. It imposes spending thresholds in electoral campaigns, and contributions made by businesses are at least in theory subject to limits and conditions (e.g., anonymous donations are forbidden, and companies that supply goods or services to the state cannot contribute to campaigns). The OSCE Office for Democratic Institutions and Human Rights noted that the current legal framework for political party financing, especially following the 2015 legal reform, represents a significant improvement over earlier legislation and contains many positive additions. However, there remain areas of concern that should be addressed. The OSCE office recommended a review of the balance between public and private funding, and ensuring that the system of public funding of both statutory and campaign-related activities of parties does not disproportionately favor larger, established parties. Despite efforts by the Spanish parliament to review party and campaign finance regulations in 2019, no legislative amendments were adopted.

The Audit Office (Tribunal de Cuentas) is the body charged with auditing the party accounts, and is empowered to undertake investigations on its own initiative and upon complaint, but does not have the capacity to control the investigations effectively. Although there have been certain improvements, the office suffers from a lack of political independence, since its members are appointed by the parties themselves. It also lacks staff resources, with the publication of audit reports often delayed. Moreover, there is no oversight during the campaign or before the submission and review of campaign reports.

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

Popular Decision-
Making
Score: 5

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

The effectiveness of the popular legislative-initiative model, which enables the public to put a measure in front of the legislature, is quite limited due to the high number of signatures required. Moreover, other political and legal obstacles exist, such as the fact that initiatives are not allowed on matters concerning fundamental rights, the state's institutional structure, taxation, international affairs or the prerogative of pardon. Historically, even when the

500,000-signature threshold has been reached, the huge majority of those initiatives have been dismissed. Only two of the 94 popular legislative initiatives launched since 1983 have become law.

The second means of popular decision-making relates to the option of submitting political decisions of special importance to all citizens in a referendum. However, Spaniards have been asked to vote in only three national referendums since democratization, in addition to seven such votes held in the various autonomous communities. Article 92 of the Spanish Constitution stipulates that political decisions of special importance may be submitted to all Spanish citizens via an advisory referendum. The referendum should be announced by the king on the president of the government's proposal, with the authorization of the congress. Since 2012, Catalan nationalist forces have pushed for a referendum on independence only in Catalonia. However, this would be illegal according to the Spanish constitution. The "referendum" of 1 October 2017 did not have the minimal democratic guarantees, as defined by institutions such as the Venice Commission, neither in the manner in which it was called, the voting process itself or its outcome. Above all, there was no register of voters, nor any "no" campaign.

Several other modes of popular consultation have also been developed recently, enabling Spain's citizens to express their political opinions on key issues. Several regional governments have opened the door to consultative procedures in pre-legislative processes. Similarly, many local authorities, including Madrid and Barcelona, enabled participatory budgeting during 2019. Other innovations in local direct democracy include the use of e-democracy and deliberative forums.

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

Access to Information

Media Freedom
Score: 7

Spain has a diverse and free media. Though the approval of new laws, which can constrain media freedom, combined with Spain's struggling economy have created difficulties for journalists in recent years. Moreover, there is a high degree of public concern about the dissemination of false information.

The public TV and radio network (RTVE) have been criticized for its lack of impartiality and credibility. Under the new multiparty scenario, all parties agreed to appoint the next RTVE president on the basis of consensus. A legal change introduced in 2017 established an open and public competition for seats on the public media organization's governing board and for its president, with the need for a two-thirds (rather than simple) parliamentary majority to approve these positions. However, after difficulties in selecting a new president, on 19 July 2018, the PSOE government appointed a "sole administrator," a provisional figure that would be granted powers to direct the public broadcasting group until the approval of a new president by public tender. At the time of writing, no president has been appointed by public tender.

The situation with regard to regional public-broadcast groups is probably worse, with incumbent governments openly promoting their partisan political objectives. This has long been the case in Andalusia, in Madrid and particularly in Catalonia, where the public media has openly supported the nationalist regional government's pro-secession view, while limiting access for those holding opposing perspectives or pluralistic positions.

With regard to private-broadcasting operations, media groups are of course formally independent, but the parties in office (at both the national and regional levels) have traditionally sought to support the newspapers, radio and television stations that are ideologically closest to them (through regulation of the audiovisual sector or with generous subsidies).

Citation:

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

Media Pluralism
Score: 8

The constitution provides for freedom of expression without censorship, as well as the right to information. According to this, the media environment is pluralistic with a variety of public and private television and radio stations, newspapers, and internet portals. However, the market is dominated by only three media groups.

In the context of the European Union, Spain is unique in that a majority of adults (59%) consider the news media to be very important to society, even if a smaller portion (31%) say they trust the news media. Spain's citizens have become more interested in politics in recent years. Even if the print media's circulation is declining, the population's growing access to the internet (with a penetration rate of approximately 85%) and the widespread use of social networks have encouraged the proliferation of electronic newspapers and

independent blogs that counterbalance oligopolistic trends and guarantee that certain opinions can be expressed in public debate.

The largest newspaper is the very influential center-left El País. Other nationwide newspapers include the center-right El Mundo and the conservative ABC. In Catalonia, the moderate nationalist La Vanguardia is the market leader. There is no print newspaper that represents genuinely left-leaning ideas, but progressive digital publications such as Eldiario.es and Publico.es have a large number of readers. There are also significant center-right to right-wing digital media sites such as Elconfidencial.com, Elespanol.com and Okdiario.com. Nevertheless, the country's most widely read information websites are the electronic versions of print newspapers.

With regard to television, 55% to 60% of the market is controlled by the Italian company Mediaset (which includes the Telecinco and Cuatro channels), the Atresmedia Corporación (which owns both the right-wing Antena 3 and the more leftist channel La Sexta), and the public broadcaster Televisión Española (with a market share of about 15%), as well as regional public-television networks and small private stations. The radio market is dominated by the center-left SER station, followed by the center-right Onda Cero, the Cadena Cope (which belongs to the Catholic Church) and the publicly owned Radio Nacional de España.

Citation:

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

OSCE Office for Democratic Institutions and Human Rights (2019), Spain Early Parliamentary Elections,
<https://www.osce.org/odihr/elections/spain/416252>

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

Access to
Government
Information
Score: 7

The first specific law enabling free and easy access to government information in Spain is only six years old. Despite being new, this legislation establishes some limits to the freedom of information, and Spain still scores comparatively low for three reasons: 1) some institutions (including the royalty) are not rendered completely transparent by the law, 2) access to information is not recognized as a fundamental right, and 3) the oversight body (the so-called Transparency Council, which decides whether there are data-protection or other security issues that justify withholding the information) is not fully independent, and remains understaffed.

Nevertheless, since 2013, access to government information has improved significantly, largely thanks to public policies being given a higher degree of transparency. For example, the minutes of the Council of Ministers meetings

for the period 1996 – 2017 were made available to the public, the first time this had been done in the country’s democratic history. In 2019, the PSOE-government developed the Fourth National Action Plan (2019 – 2021) with the aim of improving the transparency, quality and availability of open data, and public access to information.

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

EC(2019) Digital Government Factsheet 2019 – Spain https://joinup.ec.europa.eu/sites/default/files/inline-files/Digital_Government_Factsheets_Spain_2019.pdf

Civil Rights and Political Liberties

Civil Rights
Score: 7

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

During the period under review, parliament continued to debate the reform of the controversial 2015 law on public safety. That legislation has been widely regarded as an anti-protest instrument (including a system of executive fines imposed for insulting police officers, as well as for taking part in public unauthorized demonstrations). A specific reform proposal regarding the most controversial articles of the law was presented in December 2018. However, due to the early elections called for April 2019, the proposal could not be put to a parliamentary vote. The PSOE government has also introduced some measures to include Council of Europe opinions in provisions for express deportations and the filming of police officers.

Individuals’ rights are rigorously safeguarded in Spanish criminal proceedings. This was demonstrated during the trial of 12 Catalan independence movement leaders, which started in February 2019. The trial was public, transparent, and carried out in compliance with the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights.

:
May 2019, Público: “Sánchez tiene ya una mayoría en el Congreso para derogar la reforma laboral y la ‘ley mordaza’”
<https://www.publico.es/politica/sanchez-mayoria-congreso-derogar-reforma-laboral-ley-mordaza.html>

Political Liberties
Score: 8

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

During the period under review, several prominent artists protested against the 2015 law on public safety and an amendment to the Criminal Code's Article 578 that increased the maximum penalty for "glorifying" terrorism and "humiliating" its victims to three years in prison. The protests were inspired in part by a jail sentence in February 2018 against a rapper whose song had contained aggressive lines criticizing politicians and members of the royal family. Although the PSOE government announced that it intends to revise the law in order to diminish penalties for crimes such as insulting the king, inciting terrorism and offending religious sentiments, the parliamentary debate did not progress during the period under review.

Citation:

Freedom House (2019): Spain,
<https://freedomhouse.org/report/freedom-world/2017/spain>

Democracy Index 2019: Spain
<https://www.eiu.com/topic/democracy-index>

Non-
discrimination
Score: 7

Any discrimination based on birth, race, sex, religion, opinion or any other personal or social condition or circumstance is forbidden in Spain. Any individual, whether a national citizen or not, can invoke a special expedited procedure in the courts asking the state to protect him or her against any form of discrimination. Cases of explicit discrimination are extremely rare, but this does not mean that occasional public discrimination and, above all, indirect social discrimination are never observed. For example, there remain significant wage differences between men and women, and few women sit on the boards of companies. The recent approval of equal parental leave time and measures seeking to guarantee equal pay for women and men may prove positive developments.

In general terms Spaniards express fewer fears than other Europeans regarding minorities, and tend to express less negative views about immigration. Although in 2018, the Council of Europe acknowledged that there is less hate speech in Spain than in other European countries, the rise of populist movements, including Vox, led to stronger rhetoric on immigration and minority group issues during the elections campaigns in 2019.

Spain is considered to be a pioneer in fighting discrimination against homosexuals and women. The main national agency tasked with monitoring equality and antidiscrimination efforts is the Institute for Women and Equal Opportunities. However, in 2018, the Council of Europe's European Commission against Racism and Intolerance (ECRI) called on Spain to "urgently" create an independent equality body specifically designed to tackle racism. The ECRI report also criticized the lack of measures to integrate migrants, as well as the segregation experienced by Roma children. During the period under review, no visible progress has been made on this issue.

Citation:

ECRI (2018), Fifth report on Spain.

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

Rule of Law

Legal Certainty
Score: 8

The general administrative procedure in Spain is consistent and uniform, assuring regularity in the functioning of all administrative levels. In 2016, a new piece of legislation (Ley 39/2015) came into force aiming to modernize the country's basic administrative law and improve legal certainty. In theory, this policy holds across the Spanish public sector, but it is also true that citizens and the business sector sometimes complain about unpredictable decisions. And even if the executive acts on the basis of and in accordance with the law, strict legal interpretations may in fact produce some inefficiency in certain aspects of the administration and government.

The events in Catalonia during the period under review were a prominent example of an arbitrary decision by a regional decision-maker that lacked a legal basis and ignored the constitution. However, this was an exceptional and unusual development that the central institutions managed with response based on the rule of law. Even if this approach can be criticized as legalistic and lacking in political vision, it was explicitly designed with the aim of underlining that public authorities should act according to legal regulations.

Citation:

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

Judicial Review
Score: 7

The Spanish judicial system is independent and has the capacity to control whether the government and administration act according to the law. Specialized courts can review actions taken and norms adopted by the executive, effectively ensuring legal compliance. The administrative jurisdiction is made up of a complex network of courts. In addition, the

Constitutional Court may review governmental legislation (i.e., decree laws) and is the last resort in appeals to ensure that the government and administration respect citizens' rights. During the period under review, the behavior of the judiciary with regard to the Catalan crisis and a number of decisions related to corruption scandals demonstrated that courts can indeed act as effective monitors of activities undertaken by public authorities. This included the trial of 12 Catalan independence leaders between February and October 2019. For Spanish justice, this process has been one of the most significant cases since the start of constitutional democracy in 1978, with regards to the nature of the facts judged, and national and international repercussions.

According to the 2018 GRECO report, there is no doubt as to the high quality and dedication of the country's judges and prosecutors. However, improvements leading to greater efficiency were recommended. The 2019 EU Justice Scoreboard indicated that most respondents found the judicial system to be too slow. Moreover, some judges appear to have difficulties in reconciling their own ideological biases with a condition of effective independence; this may hinder the judiciary's mandate to serve as a legal and politically neutral check on government actions. The 2019 EU Justice Scoreboard also shows that challenges regarding the perception of judicial independence are growing in Spain. Finally, the capacity of some powerful private interests (such as the banking system) to influence judicial decisions was the subject of extensive debate, following a controversial ruling in October 2018 by the Supreme Court on taxation.

Citation:

EC(2019), "EU Justice Scoreboard"

https://ec.europa.eu/info/publications/2019-eu-justice-scoreboard-factsheets_en

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

Appointment of
Justices
Score: 7

Under current regulations, appointments to both the Constitutional Court (the organ of last resort regarding the protection of fundamental rights and conflicts regarding institutional design) and the Supreme Court (the highest court in Spain for all legal issues except for constitutional matters) require special majorities in the parliament. These majorities can be reached only through difficult and politicized extra-parliamentary agreements between the major parties, which generally lack a cooperative attitude toward one another. During the period under review, the General Council of the Judiciary, which is an autonomous body composed of judges and other jurists that aims to guarantee the independence of the judges, could not be renewed due to the political deadlock.

At the political level, a parliamentary debate focused on a strategy aimed at enhancing the judiciary's impartiality, talent and efficiency. A code of conduct has been adopted, and a consultative Commission of Judicial Ethics has been established.

Citation:

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

El diario, November 2018, El Consejo de Europa lleva desde 2014 criticando a España por la politización del sistema que designa al Poder Judicial

https://www.eldiario.es/politica/Consejo-Europa-Espana-Poder-Judicial_0_836066745.html

El país, October 2019, El Supremo rechaza paralizar los nombramientos del Poder Judicial en funciones

https://elpais.com/politica/2019/10/01/actualidad/1569950347_255722.html

Corruption
Prevention
Score: 7

Corruption levels have declined in Spain since the real-estate bubble burst in the wake of the economic crisis, and also as a consequence of the criminal, political and social prosecution of corrupt officials. The fact is that – political-party funding aside – few corruption cases have involved career civil servants. Everyday interactions between citizens and public administration are typically characterized by a high level of integrity. In 2019, Spain's score in Transparency International's CPI marked a slight improvement, although Spain continues to rank 41 out of 183 countries.

During 2018, the Special Prosecutor's Office for Corruption started 678 judicial proceedings compared to 609 in 2017 and 524 in 2016. However, these figures do not represent a real increase in corruption cases, but are rather a consequence of the separation of criminal proceedings in order to facilitate their processing.

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

Governance

I. Executive Capacity

Strategic Capacity

Strategic
Planning
Score: 7

The idea of reinforcing long-term thinking and smarter policymaking has drawn increasing political attention in Spain during the crisis. Several key areas including economic policy (structural reforms), security and external action, are addressed through strategic documents that receive annual evaluations. However, political instability since 2015 has undermined the government's strategic-planning capacities.

During 2018 and 2019, sectoral strategies have been published or announced in the areas of foreign policy, cybersecurity, the pensions system, poverty reduction and gender equality. The Prime Minister's Office, which is the central actor for the government strategic planning, has been reinforced and new policy units (the High Commissioner for Combating Child Poverty and the High Commissioner for the Agenda 2030) have been established, helping to bolster the government's priorities and expertise. However, since April 2019, Spain's caretaker government has had very limited room for maneuver. The powers of the caretaker government are regulated by Title 4, 1997 Government Act, which establishes that the duties of the caretaker government should be limited to the ordinary office of public affairs. The act also establishes explicit limitations on the prime minister, preventing the prime minister from approving the General Budget Bill or presenting bills to the parliament.

Citation:

Vozpopuli, October 2019, España cumple 425 días en funciones en tres años y medio y se acerca al récord de Bélgica, https://www.vozpopuli.com/politica/espana-gobierno-funciones-record-belgica_0_1273372995.html

Government Act, Art 21. Del Gobierno en funciones. <https://www.boe.es/buscar/act.php?id=BOE-A-1997-25336&p=20151002&tn=1#a21>

Expert Advice
Score: 7

There is no formalized and systematic connection between the government and external thinking. Policymakers do not rely on specialists for advice on matters of political strategy, although university scholars, think tank analysts and practitioners are often consulted by ministries on legal, economic, welfare and international issues – particularly at the beginning of any legislative process to prepare the draft bill and to assess its impact. The deep political and economic crisis may also have facilitated the government’s willingness to ask for external advice when engaged in institutional redesign (e.g., several panels of external experts were created in 2018 and 2019 to advise the PSOE government in the drafting of the Strategic Energy and Climate Framework). Some recent trends, such as the emergence of several think tanks, may over time strengthen the influence of external experts. In addition, the parliamentary committee tasked with studying Spain’s current territorial model and preparing a report for a constitutional reform organized numerous hearings with experts. The PSOE government (2018 – 2019) appointed a number of scholars and technical experts to high-level positions in the public administration, and increased the overall number of government advisers.

Citation:

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

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

Interministerial Coordination

GO Expertise
Score: 8

Spain’s Government Office (Ministry of the Presidency) and Prime Minister’s Office (Gabinete) are tasked with evaluating line-ministry proposals from the political and technical points of view. The two departments together form the very powerful political core of the executive. In general, these different units have ample staff with specific policy expertise, whose task is to substantively assess draft bills and other important sectoral initiatives to ensure they are compatible with the government’s strategic and budgetary priorities. The internal structure of the Prime Minister’s Office vaguely reflects the various ministerial portfolios, although without achieving a comprehensive policy expertise that enables perfect oversight throughout the executive. For its part, the Government Office, which is also responsible for organizing the Council of Ministers’ cycle of sessions, and whose head is the powerful deputy prime minister, has no sectoral-policy expertise, but also evaluates the substantive content of draft bills to some extent. Nevertheless, despite the extensive constitutional and political strength of the Spanish premiership, these units enjoy only limited administrative resources. Their relatively small size is perhaps explained by the hierarchical, single-party nature of the Spanish government, in which it is not particularly necessary to monitor sectoral ministers from the center.

Citation:

Structure of the Ministry of the Presidency

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

Line Ministries

Score: 8

Both the Government Office (GO) and the Prime Minister's Office (PMO) are regularly briefed on new developments affecting the preparation of policy proposals by line ministries. Although these offices are formally autonomous, the legal and political hierarchy within the government facilitates and even encourages this pattern of consultation with the prime minister's entourage. Consultation with the GO tends to focus on drafting or technical issues, while the PMO is more interested in political and strategic considerations. The process is firmly institutionalized and takes place weekly, since representatives of all ministries gather at the cabinet meeting preparatory committee, which is held every Wednesday and chaired by the GO head and the deputy prime minister. Advisers from the PMO also participate in this committee and in the important specialized ministerial committee on economic affairs (see "Cabinet Committees") that also assists the Council of Ministers. However, even if the primary joint role of the GO and the PMO is horizontal coordination, their staff resources are limited, and cannot be briefed on the whole range of government activity. Therefore, they normally focus on each ministerial department's most important sectoral developments. Since April 2019, under the powers of Spain's caretaker government, line ministries have had limited room for maneuver with regard to the ordinary office of public affairs.

:

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

Ley 39/2015

Cabinet

Committees

Score: 9

Two powerful ministerial committees effectively prepare cabinet meetings in Spain: The Committee for Economic Affairs, and the Committee of Undersecretaries and Secretaries of State. The Committee for Economic Affairs normally meets on Thursdays to review and schedule economic or budgetary interministerial coordination. This committee has been chaired since June 2018 by the minister of economy and business, and also includes the other ministers and secretaries of state who hold economic responsibilities. For its part, the Committee of Undersecretaries and Secretaries of State effectively filters out and settles issues prior to cabinet meetings. This committee of top officials meets every Wednesday to prepare the Council of Ministers' weekly sessions, which are held every Friday (see "Ministerial Bureaucracy" for further details). No cabinet member participates apart from the deputy prime minister, who serves as its chairperson. Spain's only Council of Ministers committee composed exclusively of cabinet members is the Foreign Policy Council, which meets only about once a year. Other ministerial committees are regulated by Royal Decree 694/2018.

Ministerial
Bureaucracy
Score: 7

Citation:
Real Decreto 694/2018
Real Decreto 595/2018

The two most important senior bureaucratic positions in the 17 ministries are the secretaries of state, who play a role much like that of junior ministers but do not formally belong to the government, and the undersecretaries, who are career civil servants who typically act as department administrators. These figures meet every Wednesday in the so-called General Committee of Undersecretaries and Secretaries of State. This committee effectively prepares the Council of Ministers' weekly sessions, which are held two days later, on Fridays. The deputy prime minister and head of the Government Office (GO) chairs the meetings of this preparatory committee in which all draft bills, all appointments and any other ministerial proposals are discussed and scheduled as a part of the Council of Ministers' agenda. A provisional agenda is published by the GO a week before the cabinet meeting. The GO also collects and circulates all relevant documents for discussion by the line ministers. On Tuesday mornings, the prime minister's advisers assess the relative importance of agenda items and identify where there are likely to be divergent positions. Thus, the Wednesday meetings of the preparatory committee perform an important gatekeeping function in returning problematic proposals to the appropriate line ministry and forwarding the remaining proposals to the Council of Ministers.

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

Under the caretaker government that has held office since April 2019, the workload of the preparatory committee has decreased considerable.

:
Ley 50/1997
Real Decreto 595/2018

Informal
Coordination
Score: 8

The relative weakness of formal coordination among ministry civil servants in Spain is to some extent compensated for by helpful informal procedures. When interministerial problems cannot be solved informal contacts, or meetings between officials of the various ministries involved are organized. Many policy proposals can in fact be coordinated in this fashion. As senior civil servants are clustered into different specialized bureaucratic corps, informal mechanisms rely often on the fact that officials involved in the coordination may belong to the same corps or share a network of old colleagues. Nevertheless, the existence of specialized corps tends to aggravate administrative fragmentation, since every corps tends to control a department according to its specialization. In this sense, the administration seems to follow a “silo” structure, in which each ministry, department, agency, organism or public entity follows its own operating logic. Within the cabinet, these informal mechanisms are less necessary, since the stable experience of single-party governments with strong prime ministers has up to this point required less coordination than would coalition cabinets. During the period under review, meetings of the heads of ministers’ private offices were introduced.

Citation:

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

Digitalization for
Interministerial
Coordination
Score: 8

Spain ranks 11th out of the 28 EU member states in the European Commission 2019 Digital Economy and Society Index. The performance of Spain is especially remarkable in the area of Digital Public Services, where Finland has the highest score, followed by Estonia, the Netherlands and Spain. Law 18/2015 on data reuse and data transparency has promoted a culture of open data within the public administration, and the public sector is quickly progressing with regard to the integration of digital technologies. In recent years, a number of laws updated procedures with the aim of exploring the potential of digital technologies and structures. Moreover, shared interdepartmental platforms (such as the Cl@ve platform) and shared services have been developed. According to the Digital Transformation Plan for the General Administration and Public Agencies (ICT Strategy 2015 – 2020), all ministries are required to draft digital-transformation action plans. These are to include means of simplifying interdepartmental working procedures, the electronic exchange of information between administrative units, the issue of information classification, and the implementation of standards for the exchange of information. The secretary of state for digital progress at the Ministry of Industry, Trade and Tourism is responsible for the implementation of the Digital Agenda for Spain.

Spain's decentralized structure has created challenges in establishing a coherent and nationwide interministerial e-government coordination plan. However, the ICT Strategy 2015 – 2020 and the Law on Common Administrative Procedures have together created a strategic framework for inter-administrative compatibility and coordination. The General Secretary for Digital Administration is the governing body for digital administration, rationalization of information technologies and communications in the field of public administration. In 2019, the PSOE government developed the Fourth National Action Plan for Digital Administration (2019 – 2021), taking into account contributions from public administrators, citizens and other agents of civil society. In March 2019, the Ministry for Science, Innovation and Universities published a Spanish RDI strategy on artificial intelligence.

Citation:

EC (2019), Europe's Digital Progress Report, Country Profile Spain, <https://ec.europa.eu/digital-single-market/en/scoreboard/spain>

EC (2019), Digital Government Factsheet 2019

file:///C:/Users/mario/Desktop/Digital_Government_Factsheets_Spain_2019_1.pdf

Spanish government (2015), ICT STRATEGY 2015-2020

Evidence-based Instruments

RIA Application
Score: 6

The law on the common administrative procedure (Law 39/2015), which came into force in October 2016, includes a promising provision (indeed, an entire chapter) devoted to ensuring that lawmaking in the future will take place in accordance with the principles of “smart regulation” and “better regulation.” This development, which is based on OECD recommendations, seeks to guarantee that the administration engages in systematic planning before laws are drafted, while creating a more sophisticated RIA process and producing regulations that are proportional to the political goal and more congruent with other laws. Since 2017, Spain has gradually broadened its Better Regulation agenda from an initial focus on administrative simplification to stakeholder engagement and evaluation. Currently, RIAs are required for all regulations in Spain.

Citation:

OECD, 2019 INDICATORS OF REGULATORY POLICY AND GOVERNANCE: SPAIN

<http://www.oecd.org/gov/regulatory-policy/indicators-of-regulatory-policy-and-governance-2019-spain.pdf>

Quality of RIA
Process
Score: 4

RIA analyses in Spain are quite new (see “RIA Application”), and their use to date has largely been focused on administrative simplification and better-regulation programs. The gradual introduction of RIAs since 2009 has resulted in a general template (reinforced since 2016 by the law on the common administrative procedure), which is to be applied across content areas. This

emphasizes that draft legislation must address economic and budgetary considerations as well as any other relevant aspects of impact such as environmental impact, gender-equality concerns, and any possible effects on disabled people.

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

The Office on Regulatory Coordination and Quality within the Ministry of the Presidency, Relations with the Parliament and Equality was established in 2017 and became active in 2018. The office is specifically mandated to oversee the implementation of Better Regulation requirements, namely by examining the content of RIAs and ex post evaluations. However, reinforcing the degree to which this institute cooperates with other agencies (e.g., the Office for the Execution of Administrative Reform or the Independent Fiscal Accountability Authority) would increase the impact of short-term and long-term evaluations.

Citation:

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

Sustainability
Check
Score: 5

RIA analyses were only timidly introduced in Spain in 2009, and the process as implemented up to this point has not included systematic sustainability checks using an exhaustive set of indicators considering the short- to long-term effects of regulatory change. However, the legal reform of the general administrative procedure in 2015 included new sustainability-related improvements. Under the terms of Law 39/2015, the executive has the centralized task of reviewing whether new bills prepared by the rest of ministries and agencies fulfill various criteria from a procedural point of view. Articles 129 and 130 of the law mandate a systematic process ensuring the substantive congruence of all policy proposals being prepared. This would basically ensure that sufficient planning and effective RIA had been carried out by the sectoral ministry proposing the new legislation, and that an evaluation procedure was included. Royal Decree 931/2017, which came into force in December 2017, aims to improve regulatory impact analyses concentrating on the economic, social and environmental consequences of new legislation. Despite these recent improvements, Spain lacks a formal sustainability strategy other than the National Reform Plan and the Stability Program associated with European economic-governance obligations.

Quality of Ex
Post Evaluation
Score: 6

Citation:
Real Decreto 931/2017.

The 2015 law on the common administrative procedure includes a provision regarding ex post evaluation, making it compulsory to evaluate the application of rules and norms in order to ascertain whether they have met the objectives pursued, and whether costs have been justified.

The oversight body for ex post evaluations, the Office on Regulatory Coordination and Quality became active in 2018. In theory, the office is responsible for the ex post evaluation of all public policies. However, during the period under review, no data regarding the activities of the office was available. In 2018, new evaluation procedures were approved in order to consider the impact of regulatory drafts on competition and SMEs, and new thresholds were introduced for the conduct of ex post evaluations.

Nevertheless, according to OECD recommendations published in 2019, Spain should develop standard evaluation techniques for ex post evaluation since the ex post review system is still in its early stages and has not yet been implemented systematically.

Most autonomous communities have developed additional, systematic ex post evaluation programs for their public policies. However, the practical impact of these measures has to date been limited.

The Independent Authority for Fiscal Responsibility (AIReF) is responsible for the evaluation of public spending and the efficiency of public policies. The AIReF analyses key expenditure and investment items such as education, healthcare and public works. The reports are not binding, but if the administration chooses not to follow the recommendations, it must justify this decision. In 2018, the AIReF was given greater access to information and an increased budget.

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

OECD, 2019 INDICATORS OF REGULATORY POLICY AND GOVERNANCE: SPAIN
<http://www.oecd.org/gov/regulatory-policy/indicators-of-regulatory-policy-and-governance-2019-spain.pdf>

Societal Consultation

Public
Consultation

An Economic and Social Council (ESC) made up of employers' organizations, trade unions and other societal representatives is provided for in the

Score: 6

constitution, while other government advisory bodies are provided for by additional specific policies. The ESC and the other bodies issue opinions on draft legislation, although there is no general common institutionalized procedure for consultation nor in many cases is there an obligation to engage in it. The extent and success of this social dialogue with regard to the preparation of policy initiatives depends on the particular sector and the personality of the relevant minister.

Following the economic recovery and the end of the absolute majority government's term after 2015, the PP government improved communication with the two big trade unions (UGT and CCOO) and the main business association (CEOE). This enabled it to introduce reforms on wages, for example. Since 2017, the frequency of public consultation for legislative projects has increased, with the introduction of so-called annual normative plans helping in this regard. Although the PSOE minority government increased contacts with societal actors in 2018 and 2019 (e.g., during the elaboration of the Action Plan for the Implementation of the 2030 Agenda), it has also made greater use of its decree-law powers.

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

Policy Communication

Coherent
Communication
Score: 7

A press office in the prime minister's entourage (Secretaría de Estado de Comunicación) and the government's spokesperson try to conduct coherent communication planning. Ministries tend to align their statements and press releases with government strategy. The conservative PP government (in office through May 2018) did not have a well-developed communications strategy. The management of the Catalan conflict was perhaps the best example of this problem, with unconvincing and contradictory statements released both internally and abroad. The PSOE government launched a more thoughtful national and international political communications strategy, which establishes a special office for the promotion of the U.N. Sustainable Development Goals in the country, among other things. In October 2018, the PSOE government created the State Secretariat for España Global, a higher body responsible for adopting measures to improve Spain's image overseas.

However, minor scandals linked to the past behavior of appointed ministers, some policy reversals and interministerial disagreements (e.g., between the Defense and Foreign Affairs ministries regarding arms sales to Saudi Arabia) showed the limits of a coherent communication strategy.

Citation: State Secretary for Global Spain
<http://www.exteriores.gob.es/Portal/en/Ministerio/SecretariosDeEstado/SecrerariaDeEstadoDeLaEspaGlobal/Paginas/default.aspx>

Implementation

Government
Effectiveness
Score: 5

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

Citation: Worldbank (2019), Worldbank Government Effectiveness Indicator, <https://databank.worldbank.org/source/worldwide-governance-indicators>

Ministerial
Compliance
Score: 9

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

The constitution (which stipulates that parliamentary confidence rests personally with the prime minister and his comprehensive government program), internal party discipline and the organization of the executive thus all provide strong incentives for all ministers to implement the overall government program rather than seeking to realize the sectoral interests of their individual departments. However, the fact that the government's hierarchical organizational devices provide these potentially strong incentives does not necessarily ensure that ministers always subordinate their sectoral self-interest to the general interests of the government. Since April 2019,

Monitoring
Ministries
Score: 7

Spain's caretaker government has had limited room for maneuver, which has limited the sectoral self-interest of line ministries in the ordinary office of public affairs.

The activities of all line ministries are monitored by the Prime Minister's Office (PMO), the Government Office (GO), and ultimately the Council of Ministers. The PMO oversees the flow of political and sectoral information and keeps the prime minister abreast of the activities of all line ministries. The GO, headed by the powerful deputy prime minister, monitors the activities of line ministries through the weekly meetings which prepare the way for Council of Ministers meetings. The capacity of the GO to monitor ministers improved since 2015 due to legislation that introduced a new system for systematically assessing policy implementation, in the form of a periodic evaluation report that is prepared in close consultation with line ministries. Nevertheless, this monitoring cannot guarantee that no sectoral ministry will ever prioritize vertical over horizontal interests. The organizational resources of these central offices are limited, and these bodies rarely engage in direct coordination of ministerial departments. Only the prime minister or his deputy are entitled to play this role.

Citation:

Funciones del Ministerio de la Presidencia

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

Real Decreto 595/2018

Monitoring
Agencies,
Bureaucracies
Score: 7

Spain's ministries have the capacity to monitor the activities of the administrative bureaucracy and executive agencies with regard to implementation. In 2012, as a consequence of the crisis, the central control over these public bodies increased, and in some cases entailed the absorption of the smallest agencies by the ministry in charge of their task area.

Law 40/2015 established an integrated framework for evaluation, monitoring and the independent audit of all agencies. Thus, the ministries can now monitor the activities of all executive agencies and force them if necessary to act in accordance with the government's program. However, it is also true that thanks to bureaucratic drift and/or flexibility in their functioning, some of these semi-autonomous public bodies have been able to elude this control. Ministers have particular difficulties in effectively monitoring the largest ones.

Citation:

Círculo de Empresarios (2018), La calidad de las instituciones en España.

<https://circulodeempresarios.org/app/uploads/2018/04/Calidad-insti-CdE-WEB.pdf>

Task Funding
Score: 6

Spain has a very decentralized political and administrative structure, with 17 autonomous communities controlling over a third of public spending, including services such as healthcare and education. The system has also been

occasionally associated with deficiencies in the process by which tasks are delegated to autonomous communities without adequate funding sources. As a result, some autonomous communities have been incapable of adequately fulfilling their delegated tasks without help. The debate over the criteria for allocating funding to autonomous communities continued in 2019, with most autonomous communities seeking a profound revision of the general funding system. Moreover, there is widespread demand for a further revision of the distribution of revenue, so that all autonomous communities can fulfil their tasks with adequate funding sources. In 2017, two expert commissions were appointed – one for regional financing and the other for local financing – which produced reports that same year presenting a diagnostic of the main problems and offering reform proposals. Although the PSOE government announced plans for a long-awaited reform of the territorial financing model in 2018, the reform had to be postponed in 2019 due to the political deadlock, which forced the autonomous communities to make budget cuts.

Citation:

April 2019, La Vanguardia, Andalucía defiende un modelo de financiación “equilibrado” para las CCAA, <https://www.lavanguardia.com/politica/20190401/461386097001/andalucia-defiende-un-modelo-de-financiacion-equilibrado-para-las-ccaa.html>

August 2019, El País “Spanish regions forced to make budget cuts as political deadlock continues” https://elpais.com/elpais/2019/08/13/inenglish/1565681206_252351.html

Constitutional
Discretion
Score: 6

Since 2012, legislation on budgetary stability and financial sustainability has imposed austerity conditions and debt targets on all public administrative bodies. With this legislation, the central government has – despite formally respecting the autonomous communities’ constitutional autonomy – de facto narrowed the scope of their spending autonomy. One of the effects of the law has been to paralyze policy initiatives, especially at the municipal and regional levels.

However, since June 2018 and the change in central government, attitudes have become more sympathetic toward the regions regarding funding, Constitutional Court conflicts and policy cooperation at the so-called intergovernmental sectoral conferences. As a consequence of increased public revenue, more money will flow to the autonomous communities in the near future.

:

September 2019, La Vanguardia “Hacienda prevé desbloquear 4.500 millones para las autonomías en 10 días”

<https://www.lavanguardia.com/politica/20190921/47515503656/hacienda-desbloquear-4500-millones-comunidades-autonomas-financiacion-10-dias.html>

National
Standards
Score: 6

The central government has in principle always been committed to ensuring uniform national standards for public services, but this has never been completely effective. In some cases, regional governments design and

implement their own public policies without following clearly defined national standards. As a result, there may be some variation in the quality of public services offered by the autonomous communities. In general, minimum standards are set by basic national legislation, but are not subsequently enforced. The formal method for monitoring the provision of services by the autonomous communities through administrative supervision (the so-called High Inspectorate) has not been particularly effective. However, new regulations on financial sustainability within public administration and local governments have strengthened the tools through which the central government can ensure that regional and local governments realize national minimum standards. One example was the healthcare reform, which focused on a services portfolio of the National Health System. The central government tried to ensure that the decentralized provision of public health services comply with standards set on the national level.

However, the European Council underlined in 2019 the existence of disparities in educational outcomes and innovation, and encouraged the government to improve cooperation between administrations in order to guarantee market unity and cohesion.

Citation:

European Council, Country-Specific Recommendations for 2019

Kölling; Colino, Jaime-Castillo (2019), *Desigualdades socioeconómicas territoriales en España*, working paper, Friedrich Ebert Stiftung.

Effective
Regulatory
Enforcement
Score: 7

In recent years, the Spanish government has faced strong pressure from powerful economic groups in the banking, energy and telecommunications sectors, as well as several private groups such as pensioners and taxi drivers. Non-compliance with the law results in either administrative or criminal sanctions. However, regulators seek to encourage preventive action. Until 2015, with an absolute majority in parliament, the government was able to push unpopular legislative acts through parliament even against the opposition of vested interests. Nevertheless, the minority governments that have held power since 2015 were forced to seek not only the support of other political parties, but also a broader societal consensus. This has limited the ability to push through regulations against strong opposition from powerful interest groups.

Adaptability

Domestic
Adaptability
Score: 8

The government has largely adapted its domestic structures to agreements made at international and supranational level, although this adaptation has not always been implemented effectively. The government's coordination with and adaptation to the European Union is mainly the task of the Secretariat of

State for the European Union and the Spanish Permanent Representation in Brussels (both units within the Foreign Ministry). The Prime Minister's Office, the Ministry for Economy, and the Ministry for Finance also have important responsibilities in terms of coordinating cooperation between ministries on EU matters and structural reforms connected to European economic governance. More generally, all line ministries have to some extent Europeanized their organizations, although most ministries lack units dealing specifically with the European Union, and interministerial coordination is weak. Cooperation between central government and the autonomous communities on EU affairs has been managed by the so-called Conferences on Matters Related to the European Union.

The creation of a High Commissioner for the 2030 Agenda with interministerial responsibilities was the most important development (despite operating under the restricted powers of Spain's caretaker government since 2019) with regard to adapting domestic structures to meet the objectives decided at the international level such as the U.N. Sustainable Development Goals.

Citation:
Real Decreto 595/2018

International
Coordination
Score: 8

The years 2018 and 2019 were important with regard to Spain's efforts to contribute actively to international efforts to foster the provision of global public goods. The country continued to participate in these efforts as one of the leading EU member states and as a permanent guest at the G-20 summits. In 2019, as a member of the U.N. Human Rights Council (2018 – 2020), the government supported, among other things, resolutions addressing violence and discrimination against women and girls in the workplace, an initiative on equal pay, and the declaration on the 40th anniversary of the Convention on the Elimination of all Forms of Discrimination against Women.

The government also contributed to international forums and actions responding to challenges including climate change (through the COP), energy supply, financial stability, illegal migration (as a signatory to the Global Compact and several bilateral agreements), terrorism, and peacekeeping (troops deployed in U.N., NATO and EU missions). In November 2019, the government decided to host the United Nations' climate change summit after the Chilean government pulled out from holding the event.

During the period under review, the PSOE government tried to find a common European answer to dealing with the migration challenge. Spain had previously played a very small role in addressing the refugee crisis, while concentrating on domestic problems. However, the political instability of the

government and the lack of support for the 2019 budget again focused attention on domestic issues.

Moreover, Spain also played an important role in the negotiation of a budgetary instrument to promote convergence and competitiveness in the euro zone.

Citation:

Forbes, July 2019 “What Happened To The Eurozone Budget? Spain’s Ambition Collides With The Netherlands”

<https://www.forbes.com/sites/anagarciavaldivia/2019/07/06/what-happened-to-the-eurozone-budget-spains-ambition-collides-with-the-netherlands/#7f5cfe886b3a>

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

Spanish government 2019, 41st session of the Human Rights Council concludes. http://www.exteriores.gob.es/Portal/en/SalaDePrensa/NotasdePrensa/Paginas/2019_NOTAS_P/20190712_NOTA106.aspx

Organizational Reform

Self-monitoring
Score: 5

The prime minister has the power (both constitutionally and politically) to reformulate the institutional organization of the government. Without any legal constraint, he personally decides on the structure of portfolios and other governing arrangements every time he appoints new ministers. After taking office in June 2018, Prime Minister Sánchez introduced several changes with regard to ministries’ names and jurisdictions, without a prior impact assessment. As yet, no central actor performs a self-monitoring function. However, laws 19/2013 on transparency, access to public information and good governance, and 39/2015 on general administrative procedure state that the Government Office must engage in planning, evaluation, and comprehensive monitoring of general legislation and, where appropriate, must promote revision and simplification.

Citation:

Ley 39/2015

Institutional
Reform
Score: 6

In 2018, several important changes were introduced with regard to policy portfolios and the associated ministries. This included the creation of several new departments (including the Ministry for Territorial Policy and Civil Service), and changes in the names and responsibilities of others. At the time of writing, two-thirds of cabinet members in Spain’s caretaker government are women – the highest such proportion in the country’s history. Moreover, in line with government priorities in foreign policy and poverty reduction, the Prime Minister’s Office was reinforced in 2018 with several new policy units (the High Commissioner for Combating Child Poverty and the High Commissioner for the Agenda 2030).

However, the internal central-government structure and the procedures of governing have remained almost unchanged for many years. A more substantial and comprehensive improvement could have been achieved through the interministerial administrative-reform process that took place from 2012 to 2015, but the scope of this process was somewhat limited. Despite being praised by the OECD, it paid limited attention to the government's strategic capacity to make and implement political decisions. In 2019, according to the 1997 Government Act, the PSOE caretaker government was limited in its duties to the ordinary office of public affairs, which do not include institutional reforms.

Citation:

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

II. Executive Accountability

Citizens' Participatory Competence

Political
Knowledge
Score: 6

Although levels of interest in politics have traditionally been low in Spain as compared with other Western European countries, the crisis and the deep changes in the political landscape have somewhat changed Spaniards' attitudes toward the policy process. The public now demands more information, and the motives behind and implications of government policy decisions are now better explained in the media than was the case in the old two-party system. Research conducted by CIS, a public sociological research center, demonstrates that attentiveness to political information within Spain has improved.

While levels of political knowledge in Spain are generally low, there are also important socioeconomic and gender differences in levels of knowledge. Knowledge is higher among those with higher levels of education, greater socioeconomic and cognitive resources, and, in particular, among men.

Due to Spain's political deadlock, Spaniards are increasingly concerned. According to a CIS survey conducted in September 2019, 45.3% of those surveyed believed that politicians are among the country's three main problems. In addition, almost 77% of respondents believed that the political situation in Spain is "bad" or "very bad" and the majority (60%) was pessimistic about the future.

Citation:

Monica Ferrín, Marta Fraile & Gema M. García-Albacete (2019) Adult roles and the gender gap in political knowledge: a comparative study, *West European Politics*, 42:7, 1368-1389, DOI: 10.1080/01402382.2019.1577069

DOI: 10.5477/cis/reis.147.53

CIS Survey, September 2019

http://www.cis.es/cis/opencm/ES/1_encuestas/estudios/ver.jsp?estudio=14469

Open
Government
Score: 7

Ministries and public agencies (e.g., the National Statistics Institute, INE, and the Sociological Research Center, CIS) often publish data and information that enables citizens to hold the government accountable. The third Open Government Plan 2017 – 2019 (as modified in June 2018) promoted mechanisms of participation and dialogue with civil society and ensure inter-administrative cooperation. During the period under review, the government adopted the fourth Open Government Plan (2019 – 2021), which aims to improve the transparency, quality and availability of open data in order to increase the accountability of public administrations. The plan will also increase citizens' and public servants' awareness of the values of open government. Besides the activities of the central government, there are a number of innovative open government projects at the regional level.

Citation:

Government (2017), Open Government Plan 2017-2019 plan, https://www.opengovpartnership.org/sites/default/files/Spain_Action-Plan_2017-2019_UPDATE_EN.pdf

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

Government (2019), IV Plan de Gobierno Abierto, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/ivPlanAccion/Que_es_IV_Plan.html

Legislative Actors' Resources

Parliamentary
Resources
Score: 5

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

The scrutiny of EU policymaking illustrates the lack of resources, as the Joint Committee of the Congress and the Senate for European Affairs has at its disposal only two legal clerks, a librarian and three administrative personnel.

Despite growing demands for greater parliamentary involvement in EU affairs, budgetary restrictions have prevented any change with regard to human and financial resources.

Citation:

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

Obtaining
Documents
Score: 8

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

Summoning
Ministers
Score: 8

According to article 110 of the constitution, the committees of both the Congress of Deputies and the Senate "may summon members of the government" to ask them questions. At least 70 deputies or one-fifth of the members of a committee need to make the request. The request is subject to a vote in the Bureau of Congress and the Board of Spokespersons. The party supporting the government may try to reject some of the requirements made by the opposition, but after 2016, minority governments have been in a weak parliamentary position, rendering this veto much more difficult to sustain. If the initiatives are approved, ministers are obliged to answer questions raised in these sessions. Ministers are regularly summoned by the committees overseeing their policy areas (see "Task Area Congruence") and it is quite common for ministers themselves to request to be allowed to report on matters relating to their respective departments.

During the 2015 – 2016 caretaker government of Mariano Rajoy, the government repeatedly refused to submit to the control of the Congress of Deputies alleging that there was a lack of trust between both powers under the limitations of a caretaker government and, therefore, that control of legislative power over the executive was weak. In November 2018, the High Court ruled that the control function is implicit in the representative character and in the form of parliamentary government. Consequently, the parliament must also exercise the control function under a caretaker government. Notwithstanding this ruling, the presence of ministers in the parliament was again limited in 2019 under a new caretaker government.

Summoning
Experts
Score: 8

Citation:

El Constitucional concluye que el Gobierno en funciones de Rajoy tenía que haberse sometido al control parlamentario.” RTVE.es (in Spanish).

Press, Europa (22 November 2018). “El Pleno del TC respalda que el Gobierno en funciones del PP podía ser controlado por el Parlamento.”

The standing orders of the Congress of Deputies and the Senate state that parliamentary committees may request, through their respective speakers, “the attendance of persons competent in the subject-matter for the purposes of reporting to and advising the committee.” The rights of parliamentary committees to send invitations to independent experts are not limited by any legal constraint. Requests to summon experts have increased in number in recent years, particularly at the beginning of the legislative process or in specialized subcommittees, but this is still a rare practice. The limited nature of the parliament’s staffing and financial resources prevents systematic involvement in the lawmaking process by university scholars, think tank analysts and other experts. During the period under review, the parliamentary committee finished the study of Spain’s current territorial model with numerous hearings with experts. The large number of experts summoned by the parliamentary groups made hearings very time consuming.

Citation:

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

https://elpais.com/politica/2017/12/13/actualidad/1513189380_651547.html

Task Area
Congruence
Score: 9

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

Citation:

Índice de Comisiones, XII Legislatura

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

Media

Media Reporting
Score: 7

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

TV is the most important source of political information for the average citizen, since almost 70% of Spaniards watch TV news every day. However, a large portion of the time devoted to political information is given over to news and talk shows. In addition, several infotainment-style debate shows are aired during workday mornings and on some evenings (on weekends) but these are often superficial, focusing on polarized arguments with limited contextualized analysis.

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

Citation:

Estudio General de Medios (EGM) (2019), Evolución de audiencia <https://www.aimc.es/a1mc-c0nt3nt/uploads/2019/01/marco19.pdf>

Parties and Interest Associations

Intra-party
Decision-Making
Score: 6

Parties in Spain restrict decision-making to party members. In most cases, all party members have the opportunity to participate in decisions on important personnel and policy issues. Even though party candidate lists and issue agendas have not been so open, perhaps because of the stringent electoral calendar in 2019, internal debates within most Spanish political parties on electoral programs are common and made public. However, in 2019, party leadership structures controlled the most important decisions, including the appointment of individual party leaders, due to the short electoral campaigns.

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

The PSOE has never been a president-driven party. Internal debate on electoral programs is common and even public, frequently involving some of the regional branches (especially the powerful Andalusian and Catalan sections, the latter of which is formally an independent party). The manner in which the PSOE selects its leader and main candidates is quite open. Pedro Sánchez won an election to the party leadership in 2017 against the wishes of the party machine. Following his victory, the organization is now much more centralized and, with regard to the 2019 elections, the PSOE secretary-general was automatically named the party's prime-ministerial candidate.

The PP, traditionally characterized by more opaque internal decision-making processes, introduced a primary vote in 2018 for decisions on its leadership. The process was marked by some controversies, since only 58,000 party members voted (5% of the total number of registered members). With regard to the 2019 elections, the PP president, Pablo Casado, was automatically named the party's prime-ministerial candidate, and made some controversial personal decisions on style and selection of candidates.

Podemos and Ciudadanos present themselves as more internally democratic than either the PP or the PSOE, insofar as they formally allow all party members and supporters to participate in personnel, program and controversial decisions. However, despite the rhetoric in these two parties, closed party leaderships were able to fully control the most important decisions, including the appointment of their charismatic leaders to serve as prime-ministerial candidates in 2019. In 2019, a co-founder of Podemos decided to campaign as a candidate in the regional election in Madrid and was expelled from the party.

The Vox party has presented itself as more grassroots oriented and internally democratic than Spain's traditional parties. However, the reformed statute of the party presented in February 2019 suppressed the election of candidates by party members, and gave total control over the procedure and election to the national direction. Afterwards several party members presented their resignation before the Electoral Board due to the "lack of democracy" within the party.

Citation:

El diario, May 2019 Antiguos altos cargos de Vox se unen contra el partido: "Son emperadores. No creen en la democracia" https://www.eldiario.es/politica/Manifiesto-disidentes_0_899760638.html

Association
Competence
(Employers &
Unions)
Score: 8

During the period under review, the main trade unions in Spain (UGT and CCOO) have strongly supported the reversion of austerity measures and other adjustment reforms implemented by the Popular Party (PP) government during the worst years of the crisis. However, this does not mean that trade unions are radicalized or incapable of formulating viable policies. The largest business association (CEOE) has the *Círculo de Empresarios* think tank, as well as the training centers linked to the several chambers of commerce. Other private economic groups include the *Círculo de Economía*, farmer's associations, the National Federation of Fishermen's Associations, some consumer associations, the Confederation of Cooperative Business, and diverse sectoral-lobbying actors (e.g., *Foro Nuclear* on the issue of nuclear energy). Big companies also fund liberal economic-policy think tanks (e.g., *Fedea*) that are autonomous but produce "business friendly" policy proposals. Other organizations such as CEPES, which addresses the social economy, are also very influential. Finally, AFI and FUNCAS are relevant economic think tanks. According to the 2018 GRECO report, the recommendation to introduce rules regarding how members of parliament should engage with lobbyists seeking to influence the legislative process has been only partly implemented. So far, lobbying is currently not regulated in Spain

Citation:
FUNCAS (2018), Spain's revised fiscal outlook,
http://www.funcas.es/publicaciones_new/publicaciones.aspx

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

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

Association
Competence
(Others)
Score: 5

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

Non-economic interest associations are relatively weak, and it has been difficult for them to influence political decision-making with relevant policy proposals. Furthermore, the lack of a strong, organized civil society is a disincentive for the government to take these associations' views into account as it formulates policy (since the process would then become much more complex without necessarily adding social legitimacy as a compensation). Thus, there is no virtuous circle encouraging social, environmental and religious groups to improve their policy competence. Even the strong Catholic Church lacks a research unit capable of formulating policies, although it remains influential on education and moral issues. Leading environmental

groups and some NGOs devoted to human rights (such as Amnesty International) or development aid have gained technical competence, and increasingly rely on academic expertise and specialized publications to influence public opinion and policymakers within their areas of interest. Women's associations are weak as autonomous organizations, but influential within the political parties (especially in the PSOE). The LGBT movement has successfully defended homosexuals' rights.

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

However, far right movements have also been able to articulate their demands. For example, Vox has launched tirades against "feminazis," legislation to tackle gender violence and what it sees as the scourge of political correctness, and has also defended traditionalists who feel that contemporary Spain is moving too far, too fast.

Citation:

Societat Civil Catalana (2019), Societat Civil Catalana ofereix assessorament a les víctimes de la violència de les independentistes en les carrers de Catalunya per a que puguin recuperar el diners perduts - <https://www.societatscivilcatalana.cat/es/noticias/societat-civil-catalana-ofrece-asesoramiento-los-damnificados-por-la-violencia-de-los>

Independent Supervisory Bodies

Audit Office
Score: 6

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

accounts. The Audit Office has in the past been slow to investigate the big financial scandals engulfing the political parties (see “Party Financing”), and has faced accusations not only of inefficiency but also of nepotism when hiring its own staff. In addition, most autonomous communities have also established courts of audit for their devolved competences.

Citation:

Tribunal de Cuentas (2019), Annual audit programme – https://www.tcu.es/tribunal-de-cuentas/en/fiscalizacion/Plan_Programa/programa-anual/

El Pais, march 2019, El informe sobre el proceso separatista rompe la unanimidad en el Tribunal de Cuentas, https://elpais.com/politica/2019/03/28/actualidad/1553792368_000635.html

Ombuds Office
Score: 7

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

Almost 75% of the recommendations made by Spain’s Ombudsperson are accepted by the public administration. However, its advocacy role is slightly limited by two factors: 1) a lack of resources, and 2) inadequate departmental collaboration. Since 2017, there has been only an acting ombudsperson, since political parties have been unable to agree on an appointee. Several autonomous communities also have their own ombuds offices.

Citation:

Ombuds office (2019), Informe 2018

<https://www.defensordelpueblo.es/informe-anual/informe-anual-2018/>

El Pais (2019), El Defensor del Pueblo critica la descoordinación entre ministerios con competencias migratorias, https://elpais.com/politica/2019/06/11/actualidad/1560257063_308589.html

Data Protection
Authority
Score: 8

The Spanish Data Protection Agency (Agencia Española de Protección de Datos, AEPD) is a public authority that acts fully independently of the public administration. According to Organic Law 15/1999, the director of this body is to exercise his or her functions independently and objectively, and is not to be subject to any instructions. The Advisory Board is made up of two members of parliament, a representative of the central administration, representatives of

the autonomous regions that have their own data protection agencies, a local-administration representative, a member of the Royal Academy of History, an expert, a member representing users and consumers, and a representative from the private business sector. The AEPD carries out its investigations primarily at the request of citizens, although it is also empowered to initiate its own investigations. The agency communicates to the government through the Ministry of Justice.

So far there is no evidence that the agency is incapable of holding government offices accountable. Being integrated in a wider international and subnational network of agencies, the AEPD has the capacities and personnel resources to advocate data protection and privacy issues vis-à-vis the government and against vested interests.

On 5 December 2018, the Organic Law 3/2018 on the Protection of Personal Data and the Guarantee of Digital Rights was approved. With 93% parliamentary support, the law aligns Spanish law with the European Union's General Data Protection Regulation (GDPR) and introduces novelties regarding the way in which citizens are informed about the processing of their personal data.

At the beginning of November 2019, the AEPD published guidelines on the use of internet browser cookies. The guidelines were drafted with the help of leading organizations in the marketing and online advertising industries. The AEPD requires that a person's consent be renewed at least once every 24 months.

Citation:

Agencia Española de Protección de Datos, <https://www.aepd.es/>

Organic Law 3/2018 on the Protection of Personal Data and the Guarantee of Digital Rights
<https://www.boe.es/boe/dias/2018/12/06/pdfs/BOE-A-2018-16673.pdf>