



Spain Report

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Sustainable Governance Indicators 2022

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Executive Summary

Spain was one of the countries around the world most affected by COVID-19, both in terms of the number of infections and number of deaths. Available data points to the bulk of COVID-19 infections and deaths in Spain being attributable to structural factors (e.g., demographic structure) that Spain shares with most western European countries. In 2021, Spain's COVID-19 vaccination campaign progressed very well.

The political and institutional context in which the pandemic hit Spain was far from placid following recent political and social turbulence. Although economic growth and job creation remained solid prior to the pandemic, Spain has been in crisis mode for the last decade. The fragmentation of the party system has intensified since the November 2019 general elections, and polarization has proved to be a significant obstacle to cross-party agreement. Due to increasing polarization in parliament, the government could not continue to extend the state of alarm, and restrictions were lifted in June 2020. According to virologist and immunologist experts, the relaxation of restrictions came too early to prevent the second wave.

According to some observers, this political context had by 2020 eroded the effectiveness of parliamentary institutions by 2020 in such a way as to affect the quality of democracy. However, Spain overall remained one of countries with strong democratic quality in electoral and liberal terms, as assessed for example by the Varieties of Democracy project.

Since January 2020, a minority left-wing coalition government consisting of the PSOE and Unidas Podemos (“United we can”) has held power – the first national-level coalition government since the Second Republic (1931 – 1939). Despite concerns about the stability of the coalition, the coalition government pushed an ambitious legislative reform agenda through parliament while fending off a wave of hostility from the political right. The minority coalition government secured parliamentary support for the budget plans of 2021 and 2022, ending years of budget gridlock. However, the government made extensive, for some excessive, use of royal decree-laws, and crisis management efforts (and actions beyond this topic) had an important impact on the balance between legislative and executive powers, raising questions of input legitimacy.

The pandemic revealed the weakness of the healthcare system, both in terms of public health policy and patient care. Funding cuts to healthcare following the 2008 financial crisis have led to increasing variability in the quality of healthcare services across the autonomous communities that are responsible for the delivery of healthcare. However, the healthcare system and other public services across the country did not break down. As of the time of writing, the sixth wave of coronavirus in Spain had been on the rise since December 2021, putting hospitals under great pressure. In Catalonia, COVID-19 patients occupied 41% of ICU beds at the beginning of 2022.

The pandemic has shown how vulnerable the economic system is. The measures taken in response to the coronavirus pandemic from 2020 – 2021 resulted in an unprecedented contraction of economic activity. Although indicators in 2021 have left the impression that the most critical stage of the crisis has passed, the economy is recovering less vigorously than previously estimated. In addition, health risks and other new risks still remain, such as the price of energy raw materials, which are at all-time highs, and the emergence of manufacturing bottlenecks.

Macroeconomic experts are not predicting a total economic recovery until the end of 2022. Nevertheless in 2021 a disconnect between the health crisis and employment can be observed. The falling rates of unemployment during 2021 were facilitated by the lifting of coronavirus restrictions, the advance of the vaccination campaign, and higher consumer spending levels thanks to the savings that households had accumulated during the pandemic.

The COVID-19 crisis has also revealed the structural weaknesses in and cyclical problems of the Spanish territorial model. It has become especially clear that intergovernmental coordination instruments and joint decision-making bodies were unable to respond to the crisis appropriately. Moreover, tensions between the constitutionally determined framework legislation of the central government and the reality of a model consisting of heterogeneous regional healthcare systems became apparent. Due to institutional weaknesses, decisions were taken very late and slowly. However, as the crisis unfolded, intergovernmental coordination improved, and representatives of the various health authorities met frequently to exchange information and reach common agreements.

The Recovery and Resilience Plan (RRP) was a crucial issue during 2020 and 2021. In spring 2020, the government played an important role in the design of the European recovery strategy. The government presented its RRP in October 2020, one of the first EU member states to do so. During the presentation, the government emphasized that the plan would trigger the development of the

second great modernization of the Spanish economy. In June 2021, the European Commission adopted a positive assessment of the plan. The RRP is based on four pillars: ecological transition, digital transformation, gender equality, and social and territorial cohesion. The RRP also contains several reform commitments. Some were already implemented in 2020, while others have been on the agenda during 2021 (e.g., labor markets, pension system).

For the design and implementation of the RRP, several administrative departments have been strengthened, and new governance structures have been created to increase the government's executive capacity and accountability.

Citation:

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Erkoreka, M.; Grau Creus, M.; Kölling, M. (2021), Decentralisation and COVID-19: the Spanish territorial system under pressure, en Nico Steytler (ed.) *Comparative Federalism and COVID-19: Combatting the Pandemic*, Routledge.

Lazarus, J.V., Bassat, Q., Crespo, J. et al. (2021), Vaccinate fast but leave no one behind: a call to action for COVID-19 vaccination in Spain. *Commun Med* 1, 12. <https://doi.org/10.1038/s43856-021-00014-2>

Juan Rodríguez Teruel (2020): La resiliencia democrática española tras una década convulsa, Real Instituto Elcano. Available at: <https://www.realinstitutoelcano.org/analisis/la-resiliencia-democratica-espanola-tras-una-decada-convulsa/>

Key Challenges

The evaluation of the COVID-19 response across the different levels of government will be crucial over the months to come. There have already been calls for the Spanish national health system to be reformed and the Spanish Ministry of Health to be strengthened. In accordance with this demand, the country's Recovery and Resilience Plan (RRP) includes proposals to improve the coordination functions of the ministry in order to ensure national standards in healthcare delivery.

The implementation of the RRP will be a key challenge in the coming years. The RRP could lead to powerful crowding-in effects and a strong impact of key reforms on potential growth. However, the persistence of the pandemic in other countries could weigh on economic growth, notably by delaying a full recovery in the tourism sector. Supply-side bottlenecks and high energy and transport prices could also delay the recovery, while labor market mismatches could affect the implementation of green and digital investments connected to the RRP.

The pandemic had a disproportionate impact on the poorest and most vulnerable. After some positive post-2014 public policy results in this field, the relative poverty rate has increased during the pandemic, this time more sharply. Maintaining social cohesion is becoming a critical challenge.

But there are also traditional challenges that must be addressed in order to make the system more competitive and resilient. First, economic competitiveness and the resource efficiency of economic activity must be improved, and the economy's reliance on tourism must be reduced. Public policies should prioritize labor-intensive and climate-compatible public investment, and the government must place greater emphasis on innovation and education. Second, the resilience of domestic SMEs should be fostered through internationalization and the creation of jobs. Flexible fiscal support must be retained, with measures focusing on vulnerable groups and viable SMEs. Third, an institutional framework that promotes cooperation and coordination between the different levels of government should be created. Fourth, the tax system must be consolidated and expanded, and public debt reduced. New tax measures for 2020/2021 are an important step toward increasing government revenue. However, the tax system needs to be more efficient and the incidence of tax evasion must be reduced. Fifth, the labor market reform needs to be implemented and active labor market policies need to be improved. Sixth, social cohesion should be strengthened and the social impact of the coronavirus crisis mitigated. The new guaranteed minimum income scheme is an important step and should be consolidated. Seventh, the clearest challenge to the welfare system is population aging, which is exerting pressure on the sustainability of the healthcare system and the viability of the pension system. As of the time of writing, negotiations over pension reform were still ongoing, and it will be vital to increase the revenue and/or reduce the expenditure of the social security system while minimizing the impact on its beneficiaries and contributors.

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 subnational governments have sufficient resources to address their responsibilities.

At the EU level, Spain should support the development of effective EU mechanisms for managing future health crises (supply of medical equipment and the design of a sort of European state of alarm), and for harmonizing oversight and monitoring of infections in the immediate term. Spain should also advocate a long-term transformation strategy for the European Union's economic sectors, a reform of the stability and growth pact (toward greater flexibility and off-balance-sheet investments for public investments), and long-term investment funds.

To achieve these policy goals, specific reforms should be implemented to strengthen the government's executive capacities. This means reinforcing the position of actors dealing with strategic decisions at the center of the policymaking process. The government should also develop the RIA process in such a way as to ensure participation, transparency and quality evaluation. In addition, it is necessary to foster societal consultation in the policymaking process, which also means improving citizen access to knowledge about public policies.

Regarding political stability, the minority coalition government will require allies for most legislative initiatives. This means that its political parties must strike compromises with other parties in the parliament on most issues. In today's polarized political climate, this will be a significant challenge.

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 the electoral predominance of the two main national parties (accounting for more than 70% of the total vote) and the parliamentary agreements with moderate regionalist parties – even in context of absolute parliamentary majority – contributed to curbing polarization 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 a strong right-wing populist party, Vox, has emerged. Vox cultivates an antagonistic and populist style of discourse that fuels contentious politics in Spain, and has become an important external supporter of several regional and local governments.

The fragmentation of the party system has intensified since the 2019 general elections when 22 parties won seats within the Congress of Deputies. Polarization – which is based on ideology and identity rather than on the specificities of public policies – has also proved to be a significant obstacle to

cross-party agreement and the formation of parliamentary majorities. In this regard, polarization and fragmentation within the Congress of Deputies have severely affected the parliament's legislative function in the last years. In 2020, however, the first coalition government was formed, which has since faced a wave of strong hostility from the political right. Despite its minority status, the government has been able to pass most of its policy initiatives with support from other parliamentary groups. (Score: 5)

Citation:

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

Rodríguez-Teruel, Juan (2020), Polarisation and Electoral Realignment: The Case of the Right-Wing Parties in Spain, *South European Society and Politics*, 25:3-4, 381-410, DOI: 10.1080/13608746.2021.1901386

Miller, Luis (2020), Polarisation in Spain: more divided by ideology and identity than by public policies, ESADE working paper, <https://www.esade.edu/ecpol/en/publications/polarisation-spain/>

Sustainable Policies

I. Economic Policies

Economy

Economic Policy
Score: 8

The measures taken in response to the coronavirus pandemic from 2020 – 2021 resulted in an unprecedented contraction of economic activity, with the service sector – especially tourism – being most affected. During 2020 and 2021, relief packages were adopted for the sectors most affected by the crisis (e.g., hotel and catering industry). However, relief packages were smaller than in other advanced economies, while the overall quantity of direct aid has been low compared to other EU member states. The crisis hit Spain at a time when the government had a very small spending margin (both in terms of the debt and the deficit), which prevented the government from adopting more aggressive measures, such as offering equity injections for businesses or paying the rents of restaurants.

Economic indicators improved in the second half of the year 2021, and the economic recovery gained traction through the review period, with private consumption as its main driver. Although indicators in 2021 have left the impression that the most critical stage of the crisis has passed, the economy is recovering less vigorously than previously estimated, and the OECD has sharply reduced the projected growth rate from 6.8% to 4.5% in 2021. In addition, health risks and other new risks still remain, such as the price of energy raw materials, which are at all-time highs, the emergence of manufacturing bottlenecks, and rising inflation. The forecast incorporates expenditures financed by RRF grants, and GDP is currently projected to grow by 5.5% in 2022 and by 3.8% in 2023.

On 16 June 2021, the European Commission adopted a positive assessment of Spain's Recovery and Resilience Plan (RRP). The commission noted that the balanced set of reforms and investments contained in the plan reflects the challenges the country faces. The RRP is based on four pillars: ecological

transition, digital transformation, gender equality, and social and territorial cohesion. There are doubts as to whether the Spanish administration will be able to manage these funds; however, in order to increase administrative capacities, the government approved a royal decree-law for the modernization of the public administration and for the implementation of the RRP that establishes the principles and basic rules for the programming, budgeting, management and implementation of the funds. The law foresees new forms of public-private partnership, collaboration and coordination between all administrations and public bodies involved in the management of the projects.

Citation:

Royal Decree-Law 36/2020, of 30th December, approving urgent measures for the modernization of the public administration and for the implementation of the Recovery, Transformation and Resilience Plan.

EC (2021), Summary of the assessment of the Spanish recovery and resilience plan, https://ec.europa.eu/info/files/summary-assessment-spanish-recovery-and-resilience-plan_en

Spanish Government (2021): Programa nacional de reformas [National Program of Reforms]. Available at: <http://serviciosede.mineco.gob.es/Indeco/DescargaArchivo.aspx?estadisticas=True&tipo=1>

Labor Markets

Labor Market
Policy
Score: 7

Although the effects of the coronavirus pandemic continued to be felt in the Spanish labor market, at the end of 2021 the labor market had recovered from the 2020 COVID-19 crisis, and the unemployment rate had recovered to pre-pandemic levels.

In order to cushion the impact of COVID-19 on the labor market, the government applied temporary employment regulation schemes (ERTE). The ERTE scheme is a lesson learned from the economic and financial crisis. An ERTE allowed firms to lay off workers temporarily until the end of the first nationwide state of alarm. Affected workers were entitled to 70% of their basic wage under the benefit. The Spanish government, together with Spain's two largest unions (UGT and CCOO) and the business confederation (CEOE), approved several extensions to the ERTE scheme. Although the Bank of Spain questioned the "suitability" of the program, the ERTEs mitigated job destruction during the pandemic remarkably, and paved the way for a quick labor market recovery.

The RRP includes employment measures seeking to reduce labor market segmentation and enhance active labor market policies. Moreover, the European Commission advised reforming the labor market to favor a transition toward indefinite-duration contracts, along with an improvement in unemployment benefits.

In July 2021 the Congress approved law 6/2021, also called the “riders’ law,” which states that delivery workers are to be considered company employees, rather than self-employed workers merely associated with the apps.

In December 2021, the government proposed new organizational measures and tools to improve employment policy, training and access to job offers throughout Spain. One measure will be the transformation of the decentralized Servicio Público de Empleo Estatal (SEPE) into a state agency, which will increase speed, agility and flexibility in active labor policy.

At the end of December 2021, the government, after reaching an agreement with trade unions and employers, approved a royal decree-law on urgent measures for labor market reform, the guarantee of employment stability and the transformation of the labor market. The reform aims to put an end to existing labor market dysfunctions. The main measures of the regulation include the following: the priority given to company agreements over other agreements is repealed; the standard contract will be the permanent contract; permanent discontinuous contracts will have the same social protection rights as other contracts; and there will be two types of training contracts, with public incentives for companies to invest in training. Moreover, the reform simplifies the procedures for companies to take advantage of ERTes.

The reform is the result of several months of negotiations among the government, unions and the business association. However, as of the time of writing, the royal decree-law still needed the support of the lower house of parliament, the Congress of Deputies. Some regional parties and leftist groups have already voiced their opposition to the new legislation, on the grounds that it is not a complete overhaul of the legislation put in place in 2012.

Citation:

Gobierno de España (2021), Recovery, Transformation and Resilience Plan, specifically component 23 “New public policies for a dynamic, resilient and inclusive labor market,” https://planderecuperacion.gob.es/politicas_y_componentes/componente-23-nuevas-politicas-publicas-para-un-mercado-de-trabajo-dinamico-resiliente-e-inclusivo

Real Decreto-ley 6/2021, de 20 de abril, por el que se adoptan medidas complementarias de apoyo a empresas y autónomos afectados por la pandemia de COVID-19.

Real Decreto-ley 32/2021, de 28 de diciembre, de medidas urgentes para la reforma laboral, la garantía de la estabilidad en el empleo y la transformación del mercado de trabajo.

Taxes

Tax Policy
Score: 6

Spain collects less in taxes relative to wealth than do most other European countries, and produces less redistribution effects in the whole population. Between 2020 and 2019, increases in the tax-to-GDP ratios or stable ratios

were observed in 18 EU member states; on a percentage-point basis, the highest increases were recorded by Spain (from 35.4% in 2019 to 37.5 % in 2020), but even this remains low when compared with an EU average of 41.3% in 2020.

In 2020, the government announced a commitment to increase annual tax collections to 42% of GDP. The measures included in the 2020 and 2021 budgets comprised an increase in income-tax rates (for high-income individuals), changes in corporate-tax structures and an increase in tax surcharges on fuel.

In October 2020, the parliament approved two new laws, which created a tax applicable to digital services and the Financial Transactions Tax (Law 4/2020 and Law 5/2020). The digital tax will levy 3% on online advertising, intermediation and sales of data. Spanish entities as well as foreign companies with net revenues exceeding €750 million worldwide and €3 million in Spain, whether or not they are established in the EU, will be subject to this indirect tax. Regarding the Financial Transactions Tax, Spain decided to tax the acquisition of shares in Spanish companies with a market capitalization above €1 billion at a rate of 0.2%. Public revenues will also increase due to other fiscal measures, such as an increase in the VAT rate on sugary drinks (from 10% to 21%). There are also new “green taxes” (e.g., a new tax on single-use plastic) in the 2020 and 2021 budget laws. The government is working on the implementation of new road charges that will come into force in 2024. The favorable tax treatment for private pension plans was reduced in 2021 and 2022.

The Recovery and Resilience Plan (RRP) addresses reforms to the tax system, following the EC recommendation of making taxes more progressive. To this end, a committee of experts for tax reform was set up with a twofold objective: to analyze the tax system and to propose the reforms that should be made. The committee was slated to publish its conclusions in February 2022.

At the regional level, the disparity of tax schemes raises controversy around the benefits faced by the low-taxed region of Madrid. Other regions have accused it of promoting so-called fiscal dumping.

The new taxes and the change in rates have not weakened Spain’s position in international tax competition; the tax burden relative to wealth in Spain remains lower than in most EU countries. Moreover, the Financial Transactions Tax (Law 5/2020) goes hand in hand with international efforts regarding this tax, for example with the scope and objectives of the EC’s proposals for an EU-wide FTT. The tax rate is still very low, and the relevant

legislation includes many exemptions, so there will be not negative effects for Spain's competitive position. In addition, the digital tax goes hand in hand with broader international efforts in the same sphere.

New "green taxes" have been included in the 2020 and 2021 budget laws (one for waste products and another for plastic packaging). These taxes contribute to the promotion of ecological sustainability. In addition, the registration tax on new vehicles increased in 2021. However, the government was unable to pass on a tax to increase the cost of diesel, and total revenues from environmental taxes in 2021 were still well below the EU average.

Citation:

EC (2021), Tax revenue statistics, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Tax_revenue_statistics&oldid=460966#Tax_revenue-to-GDP_ratio:_Denmark.2C_France_and_Belgium_show_the_highest_ratios

Budgets

Budgetary Policy
Score: 6

Measures taken by the government to overcome the crisis caused an exceptional deterioration in Spain's public finances in 2020. According to the European Commission's autumn economic forecast, the public budget deficit was expected to rise to 12.2% of GDP and the gross public debt to 120.3% of GDP by the end of 2021. The supportive macroeconomic scenario, partly due to the implementation of the RRP, as well as the action of automatic stabilizers, will help the debt-to-GDP ratio decrease to 118.2%, and keep improving the general government budget balance, with the deficit expected to fall to 5.2% in 2022.

The budget plan forecasts that government spending as a share of GDP will fall to 44.7% in 2022, from 49.6% in 2021 and 52.4% in 2020. The high share was due to the sharp downturn in the economy caused by the pandemic, as well as the government's measures to support families and businesses to mitigate the consequences of the recession.

However, the 2022 budget bill will also provide for the largest social investment in recent history, with almost 60% of the national budget, €240.4 trillion, allocated to social investment. European funds, of which Spain will receive €27.6 trillion in 2022, will largely be used for investment in energy transition, digitalization and sustainable mobility. Moreover, according to government projections, the economy will grow in 2022, and rising domestic demand and job creation will improve tax revenues by 10.8% compared to 2021.

Citation:

EC(2021), Autumn 2021, Spain
https://ec.europa.eu/economy_finance/forecasts/2021/autumn/ecfin_forecast_autumn_2021_es_en.pdf

Research, Innovation and Infrastructure

R&I Policy
Score: 7

Research and technology policy is traditionally a weak point, 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.

According to the European Commission's 2021 Innovation Scoreboard, Spain's innovation performance has notably improved relative to 2010, with human resources the strongest-performing innovation dimension. Moreover, Spain performs above the EU average with regard to innovation-friendly environment and employment impacts. Spain also scores high with respect to new doctorate graduates, sales of new-to-market and new-to-firm product innovations, broadband penetration, and the share of the population with tertiary education.

In 2020, the government approved the new Science, Technology and Innovation Strategy for 2021 – 2027, with the aim of doubling the amount of public and private investment in R&D to 2.12% of GDP by 2027. The strategy was elaborated together with regional governments, economic and social stakeholders, universities, research organizations, and scientific bodies.

In July 2020, the government approved the Action Plan for Science and Innovation. After a decade of cuts and a lack of reforms, the plan includes 17 measures based on three cornerstones: research and innovation in health, the transformation of the science system and attracting talent, and driving business R&D and the science industry. Although the plan focuses on short-term measures, it takes into account the long-term recovery of the science and innovation system.

In fact, in 2021, the budget of the Ministry of Science and Innovation was increased by 59.4% as compared to 2020. However, a large part of these funds came from the NextGenerationEU program. The Science and Innovation Ministry will also receive a historically high amount of €3.8 billion in 2022.

In addition, regional governments contribute with their own research and innovation policy to technological innovations. The autonomous communities increased their R&D budgets in 2021. The 2021 Regional Innovation Scoreboard (RIS) indicated substantial variation in regional performance, with the best performing regions, the Basque Country and Madrid, performing three times as well as the lowest performing region, Ciudad Autónoma de Ceuta.

Citation:

EC(2021), European Innovation Scoreboard

<https://euraxess.ec.europa.eu/worldwide/asean/european-innovation-scoreboard-2021-published>

Spanish government (2020) Plan de choque para la ciencia y la innovación
https://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/ciencia-e-innovacion/Documents/2020/09072020_PChoqueCiencia.pdf

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. After a deep transformation in the last financial crisis, the Spanish banking sector has gained stability and remained resilient during the pandemic. 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 area. Spain 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. In October 2021, acting within the OECD/G-20 framework, Spain supported the agreement for the reform of the international tax framework aimed at curbing tax avoidance by multinational enterprises. The 2022 budget law established a minimum 15% rate for corporation tax, which, according to the government, once again places Spain “at the forefront of international taxation.”

Citation:

Bank of Spain (2021): Financial Stability Report. Autumn. Available at :
<https://www.bde.es/bde/en/secciones/informes/estabilidad-financiera/informe-de-estabilidad/>

II. Social Policies

Education

Education Policy
Score: 8

Despite significant improvements in the education system since the 1980s, educational outcomes in Spain are low compared to those of other OECD countries. The main reasons for the poor results, although the causes differ strongly across regions, include a curriculum that is widely regarded as being out of date, poor teaching quality and the large number of students who repeat years. Although early school-leaving rates continue to decrease (30.9% in

2009; 16% in 2020) figures are still very high (the EU average in 2020 was 9.9%). The employment rate among recent graduates is still below the EU average, although the 2019 rate was the highest since the beginning of the 2008 financial crisis.

As result of the COVID-19 outbreak, all education centers were closed from March until the end of May 2020, and in-person education was replaced by distance learning. Schools were well equipped with digital infrastructure and tools, and – even though teachers were not fully prepared – their reaction was overwhelmingly positive. Autonomous communities prepared digital learning platforms for teachers and students. The schools have remained open since September 2020. However, the pandemic posed significant challenges for socioeconomically disadvantaged students. Education authorities estimate that around 10% of the country's 8.2 million students did not have access to digital devices or the internet at home. The Ministry of Education, city councils and NGOs launched initiatives to alleviate the digital divide. Some companies contributed by providing free tablets, smartphones and broadband access.

The RRP includes specific measures in the area of education and skills. The main goals include enhancing the digital skills of teachers and pupils, boosting vocational training, and extending nursery education for children up to three years old. In 2021, due to European funding, transfers from the central government to the autonomous communities for education increased by 70.2%, and the share of public money allocated to maintenance grants for students from poor backgrounds was also increased.

The education system is based on a strong commitment to inclusiveness and values at all levels of education. The government's commitment to equity is reflected in the new Organic Education Law, the LOMLOE (Organic Law Amending the Organic Law of Education) which came into force on 19 January 2021. The law includes measures to ensure that students from low-income families are equally represented in public and semi-private centers (i.e., centers that receive state funding, many of which are run by Catholic groups). Extracurricular activities that must be paid for will not be allowed within school hours, and city councils will be able to cede public land only for the construction of public education centers. Digitalization and the development of digital competences are together one of the 10 priorities of the law, which will also provide a reference framework for digital teacher competence. However, like all the other education laws before, the law (which was approved with 177 votes in favor, 148 against and 17 abstentions) failed to produce political consensus, with identity issues (language and religion) again serving as the main conflict lines.

In December 2021, the parliament approved a new Vocational Training Law which aims to create 200,000 new vocational training places by 2023. A total of €5.47 billion has been allocated to implement the law between 2022 and 2025, €1.55 billion of which is coming from the EU Recovery Plan.

Citation:

EC(2020), Education and Training Monitor, Spain

<https://op.europa.eu/en/publication-detail/-/publication/c9527d62-2497-11eb-9d7e-01aa75ed71a1/language-en/format-PDF/source-171316235>

Gobierno de España (2021), Plan de Recuperación, Transformación y Resiliencia https://www.lamoncloa.gob.es/temas/fondos-recuperacion/Documents/160621-Plan_Recuperacion_Transformacion_Resiliencia.pdf

Consejo Escolar de España (2022): Situación actual de la educación en España a consecuencia de la pandemia [Current situation of education in Spain after the pandemic] <https://www.educacionyfp.gob.es/dam/jcr:d6fb3623-2fee-47b3-899b-f9c47ae48ab8/situacion-educacion-covid-avance-15-ene-.pdf>

Social Inclusion

Social Inclusion
Policy
Score: 7

After some positive public policy results in this field in 2019, during the pandemic, the relative poverty rate again increased, and more sharply this time. In 2021 Oxfam Intermón warned that the impact of COVID-19 in Spain could leave 1 million more people below the poverty line, with this total population reaching 10.9 million. According to the National Statistics Institute, the percentage of the population at risk of poverty or social exclusion (AROE rate) increased in 2021 to 26.4%, up from 25.3% in 2019. Those at higher risk of marginalization include immigrants, unemployed youth and elderly people with small pensions. The significantly higher prevalence of women in the sectors that were completely locked down was not offset by higher numbers of key workers or teleworkers, indicating a significant gender imbalance in the impact of the COVID-19 decrees.

In 2020, Prime Minister Sánchez described his four-year government program as “social patriotism.” Faced with the pandemic, the government regulated certain protections for those groups that, due to their vulnerability, could be subject to eviction. Other measures included for example a moratorium on mortgage repayments for the principal residence of mortgage-holders who became unemployed or who, as entrepreneurs or professionals, suffered a substantial loss of income during the coronavirus crisis.

In 2021 the government accelerated the introduction of the guaranteed minimum income scheme, which was approved in May 2020, with the aim of reducing extreme poverty in Spain by 80% (1.6 million people). Until 2020, there were 17 different schemes in Spain, with each run by a different regional government. These programs have now been reduced, with additional support offered to people in need.

The payment of the new minimum income scheme depends on a family's income and their overall situation. Migrants who have been living legally in Spain for at least a year can apply for the guaranteed minimum income.

However, administrative capacities were limited and administrative procedures took more time than expected due to the impact of the coronavirus pandemic on public administration. At the end of September 2020, important amendments were made to the minimum income scheme aimed at improving access to and the effective coverage of the new scheme, as well as at streamlining the bureaucratic load.

In September 2021, the minimum wage was increased by €17.5 per month from the previous year, and fixed at €1,125.8 per month.

In areas of discrimination not associated with poverty, particularly LGBTI rights and gender equality, the situation is much better. The WPS Index (Georgetown Institute for Women, Peace and Security) ranked Spain 14th (up from 15th in 2019) out of 153 countries with regard to women's social inclusion and security in 2021. In March 2021, the government presented a bill to the parliament on the issue of real and effective equality for transgender people, which raised controversy among the members of the coalition.

The government promoted a package of measures to foster equal treatment, non-discrimination and positive attitudes toward diversity, with one component being the National Artificial Intelligence Strategy. This strategy provides for measures to develop AI based on ethical principles, including inclusion and non-discrimination.

Most autonomous communities have equality strategies or plans in place to promote the equality of women and men, as well as specific regulations for the prevention of gender violence and for the care of victims of gender violence.

Citation:

INE (2021), Living Conditions Survey

https://www.ine.es/dyngs/INEbase/en/operacion.htm?c=Estadistica_C&cid=1254736176807&menu=ultiDatos&idp=1254735976608

Georgetown University (2021), Women, Peace, and Security Index, <https://giwps.georgetown.edu/the-index/>

Oxfam Intermón (2021), Superar la pandemia y reducir la desigualdad. <https://f.hubspotusercontent20.net/hubfs/426027/Oxfam-Website/oi-informes/superar-covid-reducir-desigualdad-oxfam-intermon.pdf>

Health

Health Policy
Score: 8

In 2018, the Bloomberg Healthiest Country Index ranked Spain as the healthiest country in the world. However, the country's aging population and the accompanying increase in the incidence of chronic diseases poses a risk to the system's sustainability. Funding cuts to the healthcare sector following the 2008 financial crisis have led to increasing variability in the quality of healthcare services across autonomous communities, which are responsible for the delivery of healthcare services. Numerous experts and practitioners have for some time been denouncing the cuts inflicted on the system, and the consequent lack of human and material resources. The system is designed in a relatively efficient way to offer primary care. However, COVID-19 has revealed weaknesses in the healthcare system, both in terms of public health policy and patient care. Health workers organized strikes in 2020 and 2021 to protest dangerous working conditions during the COVID-19 pandemic, as well as problems with pay and staffing linked to budget cuts in previous years. At the beginning of the pandemic, due to a combination of party politics, territorial cleavages and long-standing institutional deficits, such as poor coordination among governments and an unclear division of competences, decisions were made relatively late and slowly. Moreover, the lack of capacity (data collection, material, testing and analysis) conditioned Spain's public health responses. Nevertheless, coordination improved over time, and representatives of the health authorities began meeting frequently to exchange information and reach agreements, such as on common standards for PCR tests, the closure of bars, restricting smoking in public spaces, and the implementation of measures for residences for the elderly.

During the first six months of 2021, Spain's COVID-19 vaccination campaign progressed very well. In December 2021, more than 80% of the Spanish population was already immunized, and fears of the omicron variant had triggered new rounds of vaccination.

There are still important differences between autonomous communities regarding spending. There is a group of autonomous communities with an expenditure of around €1,300 per inhabitant (Andalusia, Madrid, Catalonia, La Rioja, Murcia and Valencia) and a group of autonomous communities where expenditure per capita is around €900 (Basque Country, Navarre and Asturias). These differences are due to geographic and sociodemographic situations, but also have an impact on healthcare provision.

In 2018, Spain adopted a national law that significantly expanded healthcare access to all residents, including undocumented migrants. However, limited

geographic access to primary care in rural areas is a major challenge. Numerous experts and practitioners (e.g., the Spanish Society for Public Health and Health Administration) have for some time been denouncing the cuts inflicted on the system, and the consequent decline in healthcare equity. The Spanish government has recognized this situation, and has initiated several reforms to improve healthcare provision, but the results will not be visible until 2022.

The coalition government program (adopted in January 2020) included the goal of increasing spending on the national health service to 7% of GDP by 2023. The spending increase includes €1 billion for acquiring COVID-19 vaccines, and €1.09 billion for modernizing and updating primary care. Spending will also increase for the National Health System Quality Plan.

The RRP includes a set of measures to strengthen and expand the capacities of the National Health System. According to the plan, and as a lesson from the crisis, the National Ministry of Health will improve its constitutionally determined coordination function and seek to ensure national standards in healthcare delivery. Moreover, the coordination and multilevel governance in the management of the National Health System will be improved. In this regard, the government proposed the creation of National Public Health Center to help improve system governance and to foster cooperation mechanisms between the healthcare and public health services of the autonomous communities. Within this context in December 2021, the government approved the National Mental Health Strategy for 2022 – 2026, together with the regional governments.

Citation:

Erkoreka, Mikel; Grau Creus, Mireia; Kölling, Mario (2021) Decentralisation and COVID-19: the Spanish territorial system under pressure, en Nico Steytler (ed.) Comparative Federalism and COVID-19: Combatting the Pandemic, Routledge.

Gobierno de España (2021), Plan de Recuperación, Transformación y Resiliencia https://www.lamoncloa.gob.es/temas/fondos-recuperacion/Documents/160621-Plan_Recuperacion_Transformacion_Resiliencia.pdf

Families

Family Policy
Score: 7

Traditionally, Spain is categorized within the Southern European social model, due largely to its strong dependence on family assistance and support. However, concerns about very low fertility rates have grown since the 1990s, which has awakened a new sensibility to the need to support caregiving performed by families. Family policy in Spain has evolved from support for the patriarchal family to a recognition of family pluralism, and from the

evolution of the family salary to a policy that aims to combat poverty and promote family-work life balance.

Budgetary limitations and the slow implementation of programs that provide care for dependents has made it difficult for women to free themselves of the burden of family care. In 2021, the government adopted an expansion of free childcare for children three years old and under. Previously, Spanish public schooling had been free for children from three to 18 years of age.

Paternity leave in Spain was also increased. Since 2020, male employees can take up to 12 weeks of paternity leave. The 2021 budget plan included a further rise in paternity leave from 12 to 16 weeks.

There is a wage and pension-value gap of close to 23% between men and women, and unemployment rates are disproportionately high among women. Royal Law-Decree 6/2019 addresses urgent measures to ensure equal opportunities, and equal treatment between men and women at work. At the beginning of December 2020, the Spanish government adopted two complementary decrees intended to improve gender equality in the workplace. The Equality Plan Decree (Royal Decree 901/2020) regulates the minimum requirements for company equality plans (the diagnosis, contents, issues to be treated, pay audits, and monitoring and evaluation mechanisms) as well as the registration of these plans. The Equal Pay Decree (Royal Decree 902/2020) refers to the obligation that professional classifications be carried out based on nondiscriminatory criteria.

The various pieces of legislation within the autonomous communities provide different solutions to discrimination based on gender identity. Some autonomous communities have established joint anti-discrimination protections on the basis of gender identity and sexual orientation (Galicia, Catalonia, Extremadura, Murcia and Andalusia). Others have established specific and differentiated protection based on sexual identity (the Chartered Community of Navarre, the Basque Country, the Canary Islands, Madrid, the Valencian Community and Aragon).

Nevertheless in 2021, Spain was ranked by the World Economic Forum's Global Gender Gap Report at 14th out of 156 countries (2020, eighth out of 156 countries). In fact, much as in other countries, the coronavirus crisis led to a resurgence in traditional family roles in Spain.

In 2020 and 2021, the government approved family support policies designed to ensure a fair distribution of the burden between the partners during the

crisis, such as the urgent action plan adopted in March 2020. In 2021, workers' rights and support in the area of work-life balance have been strengthened. For example, workers can request greater flexibility in work hours or a reduction in working hours in order to take care of family members.

In September 2021, in coordination with other departments, the Ministry of Equality launched the preparation of a blueprint aiming to design policies for the reconciliation of family life and employment, expected to be delivered in one year. The goal is to reduce the amount of people who are not able to shorten their work days in order to take care of relatives (49.6% in 2018, according to INE).

Citation:

INE (2020), 'Women and men in Spain,' section on 'Reasons for part-time work according to age groups,' www.ine.es/ss/Satellite?L=es_ES&c=INESeccion_C&cid=1259925461773&p=1254735110672&pagename=

European Equality Law Network (2021), Spain – Country report gender equality 2020, <https://www.equalitylaw.eu/downloads/5450-spain-country-report-gender-equality-2021-pdf-1-53-mb>

World Economic Forum (2021) Global Gender Gap Report 2021 <https://www.weforum.org/reports/ab6795a1-960c-42b2-b3d5-587eccda6023/in-full>

Pensions

Pension Policy
Score: 7

Spanish pension policy achieves the goal of poverty prevention, but meets intergenerational-equity and fiscal-sustainability standards to only a moderate degree. Whereas the poverty rate among Spain's general population is 26%, the rate among the elderly is only 12%. Thus, the elderly are less economically vulnerable than active but unemployed workers, which demonstrates that the current system does not ensure equity across different generations – that is, pensioners, the active labor force and youth.

The pension system represents the largest single piece of public spending (more than €120 billion per year), with nearly €30 billion in annual losses in 2020. Pension expenditure will rise from 12% of total government expenditure in 2021 to more than 16% in 2050.

Over the past years, there has been no shortage of warnings from within or outside Spain (e.g., the Bank of Spain, the EC, IMF and OECD) that the country's pension system is heading toward a crisis. As part of the RRP, the EC requested that a pension reform proposal be presented in 2021. In fact, during 2020 and 2021 the government tried to strike a pact with the opposition and social partners to ring-fence the public pension system. In December

2021, the government and social partners reached an agreement according to which pensions will be indexed to prices, and bonuses and penalties modified to encourage working longer. The agreement includes the reevaluation of pensions in conjunction with changes in the consumer price index so as to maintain purchasing power. Finally, a new instrument called the Intergenerational Equity Mechanism has been introduced. The mechanism consists of an increase in the contribution rate of 0.6 percentage points (0.5 for employers and 0.1 for employees) up to 2032. This will help mitigate the financial impact of the baby-boom generation reaching retirement.

The pension reform came into force on 1 January 2022. Each year, pensions will be increased in line with the average annual inflation rate recorded in the previous year. In 2022, the increase will be 2.5%. However, the increase will be 3% for recipients of minimum pensions, noncontributory pensions and the minimum vital income.

Citation:

EC (2021), Actualización Programa de Estabilidad 2021-2024 – https://ec.europa.eu/info/sites/default/files/2021-spain-stability-programme_es.pdf

OECD (2021) Pensions at a Glance 2021 – <https://www.oecd.org/spain/PAG2021-ESP.pdf>

Ley 21/2021, de 28 de diciembre, de garantía del poder adquisitivo de las pensiones y de otras medidas de refuerzo de la sostenibilidad financiera y social del sistema público de pensiones. [https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-21652#:~:text=A%2D2021%2D21652-,Ley%2021%2F2021%2C%20de%2028%20de%20diciembre%2C%20de%20garant%C3%ADa,a%20165113%20\(30%20p%C3%A1gs.%20\)](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-21652#:~:text=A%2D2021%2D21652-,Ley%2021%2F2021%2C%20de%2028%20de%20diciembre%2C%20de%20garant%C3%ADa,a%20165113%20(30%20p%C3%A1gs.%20))

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. In 2020, the smallest interannual increase (137,120 people, or 2%) in immigration was observed since 2016. Only 8% of all immigrants that arrived in Spain in 2020 did so illegally.

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 2021 by CIS, the country's official statistics agency, only 4.8% of Spaniards listed immigration as one of their main concerns (as compared to 15.6% in September 2018). Violent attacks on immigrant groups are very rare, even in comparison to other EU member states. However, the

nativist radical right-wing Vox has obtained seats in the national parliament and in regional parliaments since 2018/2019. Vox voters are less inclined to believe that immigration is good for the country.

Nevertheless, there is no active policy that has the objective of integrating economic migrants and asylum-seekers into Spanish society. Living conditions in the Foreigner Internment Centers (Centros de Internamiento de Extranjeros) at the Ceuta and Melilla enclaves and on the Canary Islands are a persistent matter of concern. The delays in accessing the asylum procedure and the lack of transfers to the mainland have resulted in numerous cases of destitution and homelessness. In October 2020, the minister of inclusion, social security and migration reported that there were around 8,000 asylum-seekers waiting to be assigned a reception place. In two decisions issued in July 2020, the Supreme Court confirmed the right of asylum-seekers to move freely across Spanish territory.

Although the Spanish government supported the EU system for the reallocation of refugees, the number of refugees accepted by Spain during 2021 remained very low.

In September 2021, the interior and migration ministers of Spain, Italy, Greece, Cyprus and Malta held a summit in Malaga in which they agreed to call on the European Union to ensure that the common migration policy revolves around the equitable distribution of responsibility among member states, with prevention at the source as a priority, and with adequate financial instruments used.

In October 2021, the Council of Ministers (which since 2019 has included a Ministry of Inclusion, Social Security and Migration) approved a change in the regulation of the Law on Foreigners (Ley de Extranjería) that removed many of the barriers that had prevented minors and young migrants migrating to Spain alone from living and working legally. Between the time the measure came into force in November and the end of December 2021, at least 4,500 petitions were processed. In December, the government signed an agreement with the International Organization for Migration (IOM) providing €4 million for resettlement, return and inclusion projects.

Citation:

Asylum Information Database (2021), Country Report: Spain – https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-ES_2020update.pdf

Real Decreto 903/2021, de 19 de octubre, por el que se modifica el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009, aprobado por el Real Decreto 557/2011, de 20 de abril.

Internal Security
Policy
Score: 7

Safe Living

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. In addition, the police services have experienced increasing politicization since Vox began promoting the idea that the left-wing executive is tightening control over police forces.

The Organic Law on Citizens' Security (Organic Law 4/2015), also known as the "gag law," contains a number of open-ended provisions that entrust the police with broad powers but do not indicate in which situations these powers may or may not be used. The law also defines certain administrative offenses in an equally vague manner. Most of these issues have been addressed in two judgments of the Constitutional Court of Spain, rendered on 19 November 2020 and of 28 January 2021. In 2019, the PSOE-government announced a reform of the "gag law." In January 2022, the reformed law, which incorporates lessons from the coronavirus pandemic and eliminates some of the measure's most contentious parts, was still being negotiated in the parliament. For example, the article that banned protests in the immediate vicinity of Congress or Senate buildings had been eliminated. The reform proposal also included a removal of the ban on taking photos of law enforcement personnel while they are performing any action.

Citation:

Council of Europe (2021), Opinion on the Citizens' Security Law, Adopted by the Venice Commission at its 126th Plenary Session – <http://www.cepc.gob.es/docs/default-source/comisionveneciadoc/20210407citizens-security-law.pdf?sfvrsn=0>

Euronews (2021), Spanish police protest plan to reform unconstitutional "gag law" <https://www.euronews.com/2021/11/27/spanish-police-protest-plan-to-reform-unconstitutional-gag-law>

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. Since 2018, the government has made development assistance and the 2030 Agenda a much greater political priority. A cross-cutting, coordinating structure covering the entire public administration was created within the government. The institutional architecture for this area centers on the Vice Presidency for Social Rights and 2030 Agenda. This vice president has a 2030 Agenda secretary of state that presides over a delegate commission (in which all Spanish ministers participate). Besides this, a new Long-term Prospective Commission (depending on the presidency) has been set up. The government's aim is to increase official development assistance to 0.5% of GNI by 2023. The 2022 national budget raised funds for cooperation and development by 60%.

Spain has been displaying its commitment to development assistance, especially during the COVID-19 crisis. The country's foreign development agencies approved an extra \$2 billion budget for foreign aid in 2020 and 2021, announcing that they will prioritize global health and epidemic prevention in the development cooperation policy.

On 11 January 2022 the Council of Ministers presented the Draft Bill on Cooperation for Sustainable Development and Global Solidarity, which will reform the current one, which has been in force since 1997. The new law is aligned with the 2030 Agenda, the Paris climate agreements and other international treaties.

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 December 2020, Spain adopted its National Integrated Energy and Climate Plan (ENCP) 2021 – 2030. The long-term goal of the plan is to make Spain carbon neutral by 2050, to achieve a 90% reduction in GHG emissions from

1990 levels by 2050, and to base the electricity system exclusively on renewable sources of generation.

The ambitious National Plan for Adaptation to Climate Change for the period 2021 – 2030 was also approved in 2020. This plan establishes strategic objectives and defines an assessment system as well as indicators for impact and adaptation to climate change. In May 2021, a very ambitious Climate Change and Energy Transition Law was passed. This law establishes the following minimum national targets for the year 2030 (Article 3.1):

- Reduction of greenhouse gases by at least 20% compared with 1990.
- A renewable-energy share of at least 35% in final energy consumption.
- An electrical system in which at least 70% of the energy comes from renewables.
- A reduction in primary energy consumption of at least 35% from the baseline in accordance with EU regulations.

The Climate Change and Energy Transition Law contains also specific measures for implementation.

Moreover regarding the four key targets of protection, the government adopted a Circular Economy Strategy, a Green Infrastructure Strategy and a hydrological planning cycle in 2021.

Within the RRP, the government moved its 2025 energy transition targets forward to 2023 and increased investments for renewable energy, the protection of ecosystems and biodiversity, the renewal of the housing stock, and infrastructure for electric mobility. According to a report by international climate experts, the RRP will make a positive contribution to the green transition, while also supporting less developed regions.

Citation:

Gobierno de España (2021), Ley 7/2021, de 20 de mayo, de cambio climático y transición energética.

Gobierno de España (2021), Estrategia Española de Economía Circular y Planes de Acción – <https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/economia-circular/estrategia/>

Gobierno de España (2020). Plan Nacional de Adaptación al Cambio Climático 2021-2030.

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 26 climate summit. The Integrated National Plan of Energy and Climate (following the European

climatic strategy) foresees regional cooperation with neighbor countries in terms of energy security at a minimum

According to the government, Spain will increase climate-related funding, seeking to increase current commitments in financial aid to less developed countries by 50% by 2025. Spain will also add the donation of 20% of its new Special Drawing Rights to vulnerable countries: a minimum of €350 million to the IMF's Poverty Reduction Facility and support the new Resilience and Sustainability Fund. This external action will be reinforced by Spain's contribution of €30 million to the United Nations Adaptation Fund in 2022.

Citation:

Ministry for Ecological Transition and Demographic Challenge (2020): Integrated National Plan of Energy and Climate, available at: https://www.miteco.gob.es/images/es/pnieccompleteo_tcm30-508410.pdf

Robust 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, 2020 and 2021. After the 2019 elections, the OSCE Office for Democratic Institutions and Human Rights expressed a high level of confidence in the framework and management of parliamentary elections in Spain.

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

In September 2020, the Supreme Court disqualified incumbent Catalan president Quim Torra from office, from holding any elected office and from exercising government powers. He had been convicted by the High Court of Justice of Catalonia in late 2019 of violating electoral law and disobeying orders from the National Electoral Board by failing to remove separatist symbols from public buildings. This argument also applied to Catalan regional member of parliament Pau Juvillà in December 2021, when the same regional court disqualified him for displaying pro-independence symbols during the electoral period, ordering his removal as member of parliament.

Citation:

OSCE (2019), Spain Early Parliamentary Elections, <https://www.osce.org/odihr/elections/spain/416252>

Barrat Esteve, Jordi (2021), Spanish Regional Elections During the COVID-19 Pandemic, International IDEA, <https://www.idea.int/sites/default/files/spanish-regional-elections-during-the-covid-19-pandemic.pdf>

Media Access
Score: 8

All political parties with parliamentary representation have good access to the public media during electoral campaigns (e.g., they are covered by news reports, participate in candidate debates, etc.), while outsiders have very restricted access. This has produced some controversy in recent years regarding the limitations suffered by new parties (like Podemos, Ciudadanos or Vox) in their first electoral campaign before entering the parliament.

In terms of pluralism, there is a variety of public and private television and radio stations, newspapers and internet portals. However, the public TV and radio network (state-wide RTVE, and several regional and local channels) has been criticized for its lack of impartiality and credibility, while privately owned media are dominated by only three media groups. The population's increasing access to the internet (with a penetration rate of approximately 85%) and widespread use of social networks have encouraged the proliferation of electronic newspapers and independent blogs, which counterbalance the oligopolistic trends and guarantee that all opinions can be expressed in public debate.

Citation:

Universidad de Navarra (2021), Digital News Report <https://www.digitalnewsreport.es/resumen-ejecutivo-digitalnewsreport-es-2021-periodismo-de-calidad-y-cercania-para-combatir-la-infodemia/>

Voting and
Registration
Rights
Score: 9

Every Spanish citizen 18 years and over has the right to vote. The extent to which this suffrage can be exercised is absolute, and apart from minor errors, no discrimination or any other significant exclusion has existed in recent elections. Only those who have been judged guilty in certain criminal cases (always by a court) may lose their political rights. All citizens are automatically included in the electoral register, which is as a rule updated correctly.

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, 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. 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. In February 2021, the government parties submitted a legislative initiative to reform the electoral law so as to remove these obstacles. In September 2021, PSOE and PP made a parliamentary agreement to promote the reform.

Ahead of regional elections in the Basque Country and Galicia, the question of how to avoid the disenfranchisement of COVID-19-positive voters was vigorously debated. In Galicia and the Basque Country, both governments decided not to allow those who had tested positive for COVID-19 to vote if the deadline for postal voting had already expired. Home voting was not considered by electoral authorities.

In the 2021 regional elections in Catalonia and Madrid, these concerns decreased. They did not have a differential impact in turnout (very low in Catalonia, very high in Madrid).

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). According to the OSCE Office for Democratic Institutions and Human Rights 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. However, so far, no legislative amendments have been 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. In 2021, the Audit Office launched a website for the general public providing information on the economic and financial activities of political parties and related entities (<https://www.cuentaspartidospoliticos.es/es/index.html>).

Citation:

GRECO (2019), Evaluation Report, Spain, Adopted by GRECO at its 83rd Plenary Meeting (Strasbourg, 17-21 June 2019) <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/168098c691>

OSCE/ODHIR (2017): Opinion on Laws Regulation the Funding of Political Parties in Spain. Report available at: <https://www.osce.org/odhr/356416>

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.

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 legal 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. Neither of the two attempts at holding referendums (November 2014 and October 2017) had the minimal democratic guarantees, as defined by

institutions such as the Venice Commission – whether in the manner in which they were called, in the voting process itself or in their outcomes. Above all, there was no register of voters, and there was not a “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, a growing number of local authorities, including Madrid, Zaragoza and Barcelona, have engaged in participatory budgeting since 2019. Between 1985 and 2021, local authorities requested permission for 164 popular consultations, but only 46 were ultimately authorized by the national government. 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 via petition. In 2019, a total of 1,357 petitions were filed, with most coming from Germany (203), Spain (164) and Italy (103).

Citation:

Neutral (2021): La Línea de la Concepción: pretensiones de autonomía y una consulta popular, July 18th. Available at: <https://www.newtral.es/consulta-popular-espana-la-linea-concepcion-autonomia/20210718/>

Access to Information

Media Freedom
Score: 6

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. Reporters Without Borders reported on physical violence against journalists by both police and demonstrators, due above all to the conflict over Catalan separatist demands and the rise of the far-right Vox party. Moreover, the climate of polarization is eroding society’s confidence in journalists and fueling hate speech against the media. But journalists have also criticized the lack of government transparency. The lack of transparency was exacerbated by the state of alarm during the first few months of the pandemic. Moreover, there is a high degree of public concern about the dissemination of false information. Spain was ranked 29th in the 2021 World Press Freedom Index.

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, a provisional “sole

administrator” was appointed to direct the public broadcasting group. In February 2021, the PSOE and PP reached an agreement to renew the Board of Directors of RTVE. Under the terms of this agreement, the Congress of Deputies elected six members of the board, and the Senate four members. A new president was appointed in March 2021.

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. In Madrid, the regional government passed a law in 2021 to strengthen the control over the channel’s board. In Catalonia there was an agreement among the main parties at the end of the year to appoint a new director (with a partisan bias), after three years of delay.

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.

Citation:

Reporters without borders (2021), World Press Freedom Index. <https://rsf.org/en/spain>

Media Pluralism
Score: 7

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. The CMPF has warned that this concentration put media pluralism at risk in the future. The concentration of the advertising market of two large television operators – Mediaset and Altresmedia – has been confirmed via a sanction issued by the CNMC in November 2019

In 2020, the average daily consumption of media exceeded eight hours in Spain, reaching the highest figure in the last two decades. This is probably due to the change in citizens’ habits as a result of the COVID-19 pandemic. TV viewing rates reached an all-time high during the first week of lockdown in March. However, Netflix, HBO and Movistar+ were the big winners during this period.

The widespread use of social networks has 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, y Espanol.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:

Asociación para la Investigación de Medios de Comunicación (2021), Audiencia de Internet <https://www.aimc.es/egm/audiencia-internet-egm/>

Universidad de Navarra (2021), Digital News Report <https://www.digitalnewsreport.es/resumen-ejecutivo-digitalnewsreport-es-2021-periodismo-de-calidad-y-cercania-para-combatir-la-infodemia/>

European University Institute, Robert Schuman Centre for Advanced Studies, García Castillejo, Á., Suau, J., Masip, P., et al., Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019. Country report: Spain, European University Institute, 2020, <https://data.europa.eu/doi/10.2870/253126>

Access to
Government
Information
Score: 8

The first specific law enabling free and easy access to government information in Spain was approved in 2013, 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, and 2) access to information is not recognized as a fundamental right.

During the first nationwide state of alarm and after the suspension of all administrative deadlines, more than 30 Spanish civil society organizations called on the Spanish government to guarantee the right of access to information. In fact, during the state of alarm, the central government's Transparency Portal website was not updated. Moreover, for several months,

the government refused to provide the names and professional profiles of the members of the expert teams that were advising the government's coronavirus strategy – these names were finally published at the end of 2020 – nor did it provide the minutes of meetings and reports from the Scientific Committee, which began advising the government on managing the pandemic in March 2020.

During 2020, the Council for Transparency and Good Governance – an independent body – urged the Spanish government on several occasions to deliver information relating to the purchase of medical equipment, as had been requested.

After initially experiencing difficulties collecting data in a timely and orderly fashion, the government and the autonomous communities have on a daily basis published data on infection rates and their development over time, as well as on the local distribution of infections.

In October 2020, after an open process of public consultation, the Spanish government presented an Open Government Action Plan 2020 – 2024, which includes a reform of the 2013 Transparency Law, the ratification of the Council of Europe Convention on Access to Official Documents, new laws on lobby regulations and whistleblower protections, and the opening of key data. At the regional level, several lobby regulations and whistleblower protections have already been adopted.

There are several appeal and oversight mechanisms by which citizens' right to access information can be enforced (e.g., the Spanish and regional ombudsmen, or the transparency councils).

Citation:

Open Government Partnership (2021), Spain Action Plan Review 2020-2024 <https://www.opengovpartnership.org/members/spain/>

Moretón Toquero, M.A. (2020), Libertad de información y transparencia pública bajo el estado de alarma decretado para afrontar la pandemia por Covid19. Biglino Campos, P.; Durán Alba, F., Los Efectos Horizontales de la COVID sobre el sistema constitucional, Colección Obras Colectivas, Fundación Manuel Giménez Abad, Zaragoza. DOI: <https://doi.org/10.47919/FMGA.OC20.0011>

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 included the very debatable claim by Catalan nationalist forces that the central government and the courts had supported an abusive interpretation of the rule of law. But in fact the opposite was the case; individuals' rights are rigorously safeguarded in Spanish criminal proceedings. The trial of 12 Catalan independence movement leaders in 2019 was public, transparent and was carried out in compliance with the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights.

During the period under review, parliament continued to debate the reform of the controversial 2015 law on public safety (gag law). A specific reform proposal was presented in November 2021. In November the coalition government tabled a proposal for the revision of several articles of the Code of Criminal Procedure, some reforms were able to be adopted during 2021 (e.g., Organic Law 3/2021 of 24 March, on the regulation of euthanasia; Law 8/2021 of 2 June on reforming civil and procedural legislation to support persons with disabilities in exercising their legal capacity; Organic Law 8/2021, of 4 June, on the comprehensive protection of children and adolescents against violence). The objective of Organic Law 8/2021 is to protect children and adolescents in their physical, mental, psychological and moral integrity against any form of violence, in order to ensure the free development of their personality. The law is a consequence of decisions of the United Nations, the European Union and the Council of Europe. Legal experts have welcomed these reforms, although it has been noted that additional autonomy and resources would be needed for the implementation of the reforms.

During the first nationwide state of emergency, the excessive and disproportionate use of force by law enforcement officials to ensure compliance with lockdown rules was reported. But there also was a 60% increase in women calling the support helplines to report gender-based violence as compared to the same period the previous year. Online consultations with women seeking safety during the lockdown increased by 586%.

The Constitutional Court has the function of protecting civil rights. In 2021, it declared the two state of emergency decrees (approved in 2020 to deal with the COVID-19 pandemic) to be unconstitutional, because they did not provide sufficient guarantees for the protection of civil rights.

Citation:

UN Human Rights Council (2020), Universal Periodic Review on Spain (EUR 41/2732/2020)

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. According to Freedom House (2022), the rule of law prevails, and civil liberties are generally respected.

During the period under review, several protests took place against the 2015 law on public safety and an amendment to the Code of Criminal Procedure's Article 578, which affected freedom of speech by increasing the maximum penalty for "glorifying" terrorism or "humiliating" its victims to three years in prison. Although the coalition government also 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 still continued during the period under review.

Citation:

Freedom House (2022): Spain,

<https://freedomhouse.org/country/spain/freedom-world/2022>

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.

Some minority groups – including Roma – remain economically marginalized and are allegedly subject to police profiling. Moreover, the rise of populist movements, including Vox, led to stronger rhetoric on immigration and minority groups.

Spain is considered to be a pioneer in fighting discrimination against homosexuals and women. The main national agency tasked with monitoring equality and anti-discrimination efforts is the Institute for Women and Equal Opportunities. However, in 2018, ECRI called on Spain to "urgently" create an independent equality body specifically designed to tackle racism. At the beginning of 2021, the ECRI indicated that its recommendation had not been

implemented. Spanish authorities informed ECRI that work is underway to improve the quality of a draft Act on Equality of Treatment and Against all Form of Discrimination. Moreover, some autonomous communities have increased the educational support provided to Roma people.

Citation:

ECRI (2021), Fifth report on Spain – interim follow up conclusions.

<https://rm.coe.int/interim-follow-up-conclusions-on-spain-5th-monitoring-cycle/1680a17dc5>

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.

The events in Catalonia during the 2012 – 2017 period offered a high-profile 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.

In July 2021, the Constitutional Court declared the first state of alarm to have been unconstitutional, and concluded that the government should have resorted to a state of emergency – which requires prior parliamentary approval – to limit fundamental rights for the nationwide lockdown. In October 2021, the Constitutional Court also declared that the second state of alarm was unconstitutional. All fines had to be refunded, but these rulings also led to a broad debate about the legal certainty of the government's actions.

Citation:

Ombudsman of Spain (2021): Impact of 2020 rule of law reporting, available at <https://ennhri.org/rule-of-law-report-2021/spain/>

Judicial Review
Score: 8

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 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.

During the first nationwide state of alarm, citizens had access to legal recourse, in the sense that they could challenge violations of their fundamental rights and urgent cases could be heard in court. Spanish courts have been quick to react to appeals against measures adopted by the executive, and courts upheld appeals against restrictions placed on fundamental rights, for example by allowing demonstrations to take place. Regional high courts across the country overturned restrictions implemented by autonomous communities and local administrations on the basis that only the central government could restrict fundamental rights (e.g., freedom of movement) under the constitutional authority of a state of alarm.

The politically fragmented parliament remained unsuccessful in mustering the three-fifths majority necessary to appoint new members to the General Council of the Judiciary – an autonomous body composed of judges and other jurists, which aims to guarantee the independence of the judges. The incumbent council continued to operate on an interim basis at the end of 2021, raising concerns about the legitimacy of its judicial appointments and other decisions.

The 2021 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 2021 EU Justice Scoreboard also shows that Spain's public increasingly perceives courts and judges as lacking independence. The main reasons given by members of the general public for this relate to perceived interference or pressure by the government and politicians.

However, there were also some improvements in this area.

In March 2021, a new statute for lawyers was approved that protects their independence. The statute provides that chambers of lawyers shall be democratic, autonomous and transparent. Under the new statute, chambers are obliged to publicize their services online. It also sets provisions relating to the right to training and the promotion of gender equality in the legal profession.

In March 2021 the parliament adopted a new law which reinforces provisions on data protection, setting the frequency of payment in certain autonomous communities that have not taken over powers in the management of the justice system, and establishing the creation of the National Council for Free Legal Aid.

The government has also continued in its efforts to increase the efficiency of the justice system. In October 2021, the government approved the preliminary Draft Law on Digital Efficiency of the Public Justice Service, which will enhance legal provisions relating to data management, and allow for interoperability of applications within the justice system.

Finally, the judges had an active role in 2020 – 2021 in reviewing the measures adopted by national and regional governments to manage the pandemic.

Citation:

EC(2021), “EU Justice Scoreboard”

https://ec.europa.eu/info/sites/default/files/eu_justice_scoreboard_2021.pdf

EC (2021) The rule of law situation in the European Union, COM/2021/700 final - <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021DC0700>

Appointment of
Justices
Score: 6

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. The incumbent council continued to operate on an interim basis at the end of 2021, raising concerns about the legitimacy of its judicial appointments and other decisions.

In October 2021, Spain’s ruling Socialist party reached a deal with the main opposition People’s Party to renew the line-up of the Constitutional Court, paving the way to ending a years-long stalemate. The approval of the judges for the 12-strong top court, a third of whom had reached the end of their nine-year term over the past two years, requires a three-fifths majority in parliament. However, the examination of some of the candidates in the Congress of Deputies was accompanied by controversy, raising concerns about their ideological affiliation with political parties.

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.

Corruption
Prevention
Score: 7

Citation:

Euronews, Brussels warns Spain over judicial appointments standoff, 22/09/2021 – <https://www.euronews.com/2021/09/20/brussels-warns-spain-over-judicial-appointments-standoff>
EC (2021) The rule of law situation in the European Union, COM/2021/700 final - <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021DC0700>

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. Spanish courts have a solid record of investigating and prosecuting corruption cases, but the system is often overburdened, and cases move slowly. In 2020, Spain's score in Transparency International's CPI fell slightly, although Spain continues to rank comparatively highly, at 32nd place out of 180 countries (2019: 30 out of 180 countries).

The second GRECO compliance report for the country states that the organization considers four of the 11 recommendations made to Spain in 2013 to be fulfilled. Two others were considered to have already been fulfilled in 2019.

In October 2020 a Code of Conduct for Parliament (i.e., for both chambers, the Congress and Senate) was adopted. The code contains provisions on ethical principles, transparency and the prevention of conflicts of interest, and provides for sanctions if breaches occur. A new Office on Conflicts of Interest was created in the Congress of Deputies. There is also a legislative proposal underway that would regulate lobbying, including through the establishment of a lobbying register.

In 2021, the regulation of money laundering offenses was modified by Organic Law 6/2021 of 28 April. The reform aligned Spanish money laundering regulations with EU guidelines.

Citation:

GRECO (2021), Fourth Evaluation Round – Second Compliance Report, 30 September 2021 <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a3fd50>

Code of Conduct for Parliament https://www.congreso.es/public_oficiales/L14/CORT/BOCG/A/BOCG-14-CG-A-70.PDF

Good Governance

I. Executive Capacity

Strategic Capacity

Strategic
Planning
Score: 8

The idea of reinforcing long-term thinking and smarter policymaking has drawn increasing political attention in Spain in recent years. Several key areas including economic policy (structural reforms), climate change, security and external action, are addressed through strategic documents that receive annual evaluations. Strategic planning units and bodies take a long-term view of policy challenges and viable solutions.

The lack of experience in forming coalition governments has had an impact on the effectiveness and coherence of policy formulation, and has led to coordination problems among ministries since 2020. However, the coalition agreement included several strategic plans. Moreover, the RRP addresses the specific challenges the country is facing and the interests of future generations. For long-term planning, the Ministry of the Presidency created a National Foresight and Strategy Office in 2020, following other similar precedents in previous governments. In 2021, the office presented its proposals for a long-term national strategy that would look toward 2050. However, this office is not fully integrated in the general process of executive policymaking, and its policy recommendations do not effectively condition the departments' initiatives. Policy advice is very fragmented among ministries.

Royal Decree 286/2017 of 24 March regulates the government's Annual Regulatory Plan and the Annual Regulatory Assessment Report. The measure also created the Regulatory Planning and Assessment Council. Since 2018, the Council of Ministers has approved a regulatory plan at the beginning of each calendar year. The plan for 2022 was approved on 11 January 2022.

Citation:
Royal Decree 286/2017 of 24 March

Oficina Nacional de Prospectiva y Estrategia del Gobierno de España (2021), España 2050, https://www.lamoncloa.gob.es/presidente/actividades/Documents/2021/200521-Estrategia_Espana_2050.pdf

Expert Advice
Score: 7

There is no formalized connection between the government and external thinking, 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. In 2020 and 2021, the government asked for external advice when engaged in policy design and institutional redesign. For example, several panels of external experts have been established to advise the government on the development of the Strategic Energy and Climate Change Framework, and Law 7/2021 on Climate Change and Energy Transition established an Expert Committee on Climate Change and Energy Transition as an advisory body. In addition, several consultative councils have been established to ensure the participation of civil society groups as well as that of the private sector in the design and implementation of the RRP.

During the COVID-19 pandemic, the Spanish government relied on the opinions of professionals from different areas as well as on information from the autonomous communities, town councils and government organizations. Four working groups were created in response to the COVID-19 pandemic. A multidisciplinary working group was set up by the minister of science. The plan to transition to a new normality was prepared by a committee of experts, made up of 15 professionals from different areas. Moreover, the Scientific and Technical Committee was established to advise the government; and a technical group was set up to monitor and evaluate the epidemiological situation in the autonomous communities. There were also expert groups established at the level of autonomous communities. More generally, experts from business interest groups play an important role in the policy process across policy areas, particularly in economic policies and agriculture affairs.

Citation:

Gobierno de España (2021), Plan de Recuperación, Transformación y Resiliencia https://www.lamoncloa.gob.es/temas/fondos-recuperacion/Documents/160621-Plan_Recuperacion_Transformacion_Resiliencia.pdf

Feás, Enrique; Steinberg, Federico (2021), The climate and energy transition component of the Spanish National Recovery and Resilience Plan, ARI 64/2021 – 6/7/2021

Laura Chaqués & Iván Medina (2021): The representation of business interests during the COVID-19 pandemic in Spain, *Revisat Española de Ciencia Política*, No. 57, available at <https://recyt.fecyt.es/index.php/recp/article/view/89916>

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 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.

During the elaboration and implementation of the RRP, the Government Office coordinated an extensive consultation process among ministries. The office also coordinated dialogue with social partners, regional authorities (a new Recovery Plan Sectoral Conference was created) and local entities. An interministerial commission chaired by the president has been set up to manage the RRP and approve projects.

Structure of the Ministry of the Presidency

https://www.mpr.gob.es/mpr/estructura/Documents/ORGANIGRAMA%20MINISTERIO%2001_03_2022.pdf

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. 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.

Nevertheless, the lack of experience in managing coalition governments and partisan differences had an impact on the effectiveness and coherence of policy formulation, and led to coordination problems among line ministries. In July 2021, the chief executive reshuffled some key members of the cabinet (his chief of staff and the minister of the presidency) in order to strengthen coordination within the cabinet.

In order to prepare the implementation of the RRP, the government approved, in addition to the new Public Administration Act, a decree-law that establishes a reinforced governance structure. A new interministerial commission presided over by the prime minister is in charge of leading the RRP and approving projects.

Citation:

Orden HFP/1030/2021, de 29 de septiembre, por la que se configura el sistema de gestión del Plan de Recuperación, Transformación y Resiliencia (BOE 30 de septiembre)

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 review and schedule economic or budgetary interministerial coordination. This committee has been chaired since 2020 by the first vice-president of the government and the minister for economic affairs and digital transformation, 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 prepare the Council of Ministers' weekly sessions, which are held every Tuesday (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. In order to prepare the implementation of the RRP, existing departments have been given new responsibilities. For example, the Economic Office of the Prime Minister will act as a monitoring unit, the Ministry of Finance's department for EU funds will act as the managing unit and the General Intervention Board of the State Administration will act as an oversight and audit unit.

Citation:

Real Decreto 399/2020, de 25 de febrero, por el que se establecen las Comisiones Delegadas del Gobierno.

Ministerial
Bureaucracy
Score: 7

The two most important senior bureaucratic positions in the ministries are the secretaries of state, who play a role much like that of junior ministers but do not formally belong to the cabinet, and the undersecretaries, who are career civil servants who typically act as department administrators. These figures meet 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 on Tuesdays. 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 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.

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. However, the creation of the Technical Committee in 2021, and the additional creation of the new interministerial commission on the implementation of the RRF, which is chaired by the prime minister, will increase cooperation and standardize procedures among the line ministries.

Orden HFP/1030/2021, de 29 de septiembre, por la que se configura el sistema de gestión del Plan de Recuperación, Transformación y Resiliencia (BOE 30 de septiembre)

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.

The cabinet reshuffle of July 2021 (see “Line Ministries”) helped to improve these informal mechanisms of coordination.

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 ninth out of the 28 EU member states in the European Commission 2021 Digital Economy and Society Index. Spain’s performance was especially notable in the area of digital public services. Law 18/2015 on data reuse and data transparency has promoted a culture of open data within the public administration, and the public sector is quickly progressing with regard to the integration of digital technologies. In recent years, a number of laws 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.

Under the terms of the Digitalization Plan for Public Administrations 2021 – 2025, 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 Ministry of Economic Affairs and Digital Transformation (MINECO) is the governing body for digital administration, rationalization of information technologies and communications in the field of public administration. The implementation of the Digital Agenda 2025 will enable a technological leap forward in the digital transformation of interministerial coordination. In order to achieve this goal, Digital Spain 2025 envisages introducing a series of structural reforms in the 2020 – 2022 period, among them the development of “as-a-service” cognitive automation services for the administration, in order to improve the efficiency of processes.

Spain’s decentralized structure has created challenges in establishing a coherent and nationwide interministerial e-government coordination plan. However, Digital Agenda 2025 created a strategic framework for vertical interadministrative compatibility and coordination.

Citation:

Gobierno de España (2021), Public Administrations Digitization Plan, <https://tec.scot/sites/default/files/2021-07/Plan-for-the-digitalisation-of-pubic-administrations-TRANSLATED-1.pdf>

Gobierno de España (2021), Digital Spain Agenda 2025 https://portal.mineco.gob.es/RecursosArticulo/mineco/ministerio/ficheros/210204_Digital_Spain_2025.pdf

Evidence-based Instruments

RIA Application
Score: 6

The law on the common administrative procedure (Law 39/2015) included a provision devoted to ensuring that lawmaking in the future will take place in accordance with the principles of “smart regulation” and “better regulation.” Royal Decree 931/2017 establishes specific rules governing the use of RIA. 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. Currently, RIAs are required for all regulations in Spain. According to the OECD indicators on regulatory policy and governance, Spain’s public administration (from the national to the local level) is gradually stepping up its “better regulation” efforts, expanding its initial focus on administrative simplification in order to focus additionally on the issues of stakeholder engagement and ex post evaluation.

Citation:

OECD (2021), Indicators of Regulatory Policy and Governance: Spain

<https://www.oecd.org/gov/regulatory-policy/spain-country-profile-regulatory-policy-2021.pdf>

Gobierno de España (2021): Guía metodológica para la elaboración de la memoria del análisis de impacto normativo, available at http://www.mptfp.es/dam/es/portal/funcionpublica/gobernanza-publica/simplificacion/impacto-normativo/guia_metodologica_ain.pdf#page=1

Quality of RIA
Process
Score: 4

The use of RIA analyses has largely been focused on administrative simplification and better-regulation programs. The gradual introduction of RIAs since 2009 has resulted in a general template (reinforced by the Law 39/2015 and the Royal Decree 931/2017), 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.

Since 2018, the practice of regulatory impact assessment (RIA) has been strengthened through the creation of a dedicated body for the task. The Office on Regulatory Coordination and Quality within the Ministry of the Presidency is tasked with ensuring the quality, coordination and coherence of rulemaking activity undertaken by the executive. The office has established an information system providing for direct and secure communication with ministerial departments. Moreover, the Ministry of Territorial Policy and Public Function reviews the quality of various RIA components with the autonomous communities, and oversees processes of public consultation and participation. The Council of State, in turn, assesses the legality of regulations and their

development, monitors the public administration’s correct functioning, and reviews the legal quality of regulations initiated by the executive. The Council issues statements in response to consultations with ministries, autonomous community presidents and certain state entities.

Preliminary RIAs for legal norms are in some cases developed by entities other than the executive. On occasions, special parliamentary committees are established by either house to study a particular issue. However, most of the processes dealing with RIA depend upon internal ministerial resources, and the outcomes are not typically available to the public. In December 2021, the government published the Normative Annual Plan for 2022, with all laws in development and main decrees expected to be approved in 2022 by the central government.

The Public Administration’s Digitization Plan (2021) calls for transforming the public administration via data-driven public policies into a more modern and “data-driven” entity, in which information from citizens, citizens and other units and levels of the public administration are used efficiently to design public policies.

Office on Regulatory Coordination and Quality – <https://www.mpr.gob.es/mpr/subse/occn/paginas/index.aspx>

Gobierno de España (2021) Public Administrations Digitization Plan, <https://tec.scot/sites/default/files/2021-07/Plan-for-the-digitalisation-of-pubic-administrations-TRANSLATED-1.pdf>

Gobierno de España (2021): Plan Anual Normativo 2022. Administración General del Estado. Available at <https://www.lamoncloa.gob.es/consejodeministros/resumenes/Documents/2022/PAN%20202.pdf>

Sustainability
Check
Score: 5

In 2018, the Council of Ministers approved the “Action Plan for the Implementation of the 2030 Agenda” with the participation of all ministerial departments, the autonomous communities and local entities. Since that time, the government has established a comprehensive institutional governance system with the goal of ensuring that the Sustainable Development Goals (SDGs) form a common basis for decision-making in Spain. The Ministry of Social Rights and Agenda 2030 has executive powers for the development and coordination of actions related to the SDGs; the government’s Delegated Commission for Agenda 2030 coordinates interministerial dialogue; the Sectoral Conference for Agenda 2030 facilitates coordination with the governments of autonomous communities; and the Sustainable Development Council acts as an advisory body involving the private sector, trade unions, academia and civil society organizations. Moreover, the parliamentary Joint Commission for the Coordination of the Agenda 2030 Strategy monitors their implementation.

The National Strategy contains specific impact indicators for monitoring SDG implementation (144 indicators have been identified). The SDGs are also mentioned in the RRP and the annual budget law. In 2021, the government submitted its latest voluntary national progress report to the High-level Political Forum for Sustainable Development of the United Nations.

However, the RIA framework designed by the 2017 decree does not provide a set of indicators to be specifically addressed by the analysis. Only gender impact and administrative costs are systematically assessed. The analyses do not consider either of these types of impact as they might unfold over time.

Citation:
Gobierno de España (2021), Voluntary National Review 2021,
<https://sustainabledevelopment.un.org/memberstates/spain>

Quality of Ex
Post Evaluation
Score: 6

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. In 2017, the Institute for Evaluation of Public Policies replaced previous structures designed to produce internal policy evaluations of initiatives requested by the government.

The Office on Regulatory Coordination and Quality supervises the initial definition of the objectives and methodology for the ex post evaluation of regulations covered by RIAs, but does not scrutinize ex post evaluations themselves. 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.

According to OECD recommendations published in 2021, ex post evaluations of regulations are still not performed in a systematic manner. Developing targeted guidance and standard evaluation techniques would contribute to more widespread and consistent evaluation of how regulations actually work in practice.

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.

Citation:
OECD (2021), Indicators of Regulatory Policy and Governance: Spain
<https://www.oecd.org/gov/regulatory-policy/spain-country-profile-regulatory-policy-2021.pdf>

Gobierno de España (2021): Informe de diagnóstico de la evaluación en la Administración General del Estado 2021. Available at: <https://www.mptfp.gob.es/portal/funcionpublica/evaluacion-politicas-publicas/Informes-de-Evaluacion.html>

Societal Consultation

Public
Consultation
Score: 6

An Economic and Social Council (ESC) made up of employers' organizations, trade unions and other societal representatives is provided for in the constitution, while other government advisory bodies are provided for by additional specific policies. The ESC and the other bodies issue opinions on draft legislation, although there is no general common institutionalized procedure for consultation nor in many cases is there an obligation to engage in it.

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. Since 2018, an online platform has published lists of all ongoing consultations, thus allowing citizens to participate in these processes before regulatory development starts and at the draft regulation stage, two important points in the policy cycle.

The government has since 2018 engaged actively in dialogue with trade unions and employers' associations. The social stakeholders and the government have signed several agreements, for instance relating to the increase in the minimum wage and to the plans for temporary layoffs during the pandemic (ERTEs). The government has also convened many meetings with social stakeholders to structure and monitor the various economic and social responses to the pandemic.

In November 2020, the government, trade unions and employers' associations set up the Social Dialogue Board for Recovery, Transformation and Resilience. This enabled enterprises, administrations and social partners to be involved in the preparation of the RRP.

Social and environmental interest groups also participated in the elaboration of several additional policy responses such as the Spanish Science, Technology and Innovation Strategy for 2021 – 2027. Recent reforms, such as those affecting the labor market and pension system, have involved social dialogue with employers and unions.

Citation:
Participación pública en proyectos normativos,
https://transparencia.gob.es/transparencia/transparencia_Home/index/ParticipacionCiudadana/ParticipacionProyectosNormativos.html

Policy Communication

Coherent
Communication
Score: 7

A press office in the prime minister's entourage 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

Spain's government used scientific experts in its institutional communication during the COVID-19 pandemic, and the government improved communication with trade unions (UGT and CCOO), the main business association (CEOE) and autonomous communities. However, scandals linked to appointed ministers and among the coalition partners (e.g., regarding the labor market reform) ultimately limited the coherence of the communication strategy. In July 2021, a cabinet reshuffle replaced the state secretary of communication; one goal was to improve policy communication and internal coordination within the PMO and the Ministry of the Presidency.

During the pandemic, the government frequently communicated its assessment of the situation as well as the rationale behind the measures taken. However, despite the daily taskforce briefings and numerous press conferences by members of the government, the management of communication has been widely questioned. The main criticisms have to do with delays in providing information, the lack of consistent and sufficient data, and the lack of clarity.

Citation:

Moreno, Á.; Fuentes-Lara, C.; Navarro, C. (2020). "COVID-19 communication management in Spain: Exploring the effect of information-seeking behavior and message reception in public's evaluation." *El profesional de la información*, v. 29, n. 4, e290402. <https://doi.org/10.3145/epi.2020.jul.02>

Implementation

Government
Effectiveness
Score: 7

The Spanish government has never instituted a system of benchmarks to evaluate its own performance. However, it has traditionally been successful in the implementation of major policy objectives. Nevertheless, 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 are obstacles to government effectiveness. Moreover, in recent years, the governing party's parliamentary weakness has become a much greater obstacle. In 2019, the first Sanchez government started an informal system of benchmarks to evaluate its own performance. The third edition of this "Cumpliendo" report, presented in December 2021, concluded that the government had fulfilled 50% of the commitments made in its investiture speech to the parliament. In parliamentary terms, the executive presented 65 legislative initiatives, the second-highest number since 2011 (trailing only 2015), in spite of the high level of fragmentation in the chamber.

In December 2020, the Spanish government approved a royal decree to streamline the Spanish administration and facilitate the bureaucratic process needed to implement the RRP effectively. Among its various components, the decree improved public governance and oversight structures and the frameworks necessary for better collaboration between the public and the private sectors. In order to ensure effective implementation of the plan, the government created several temporary structures and assigned new responsibilities to some existing administrative departments.

Citation:
 Gobierno de España (2021) Cumpliendo
https://www.lamoncloa.gob.es/presidente/actividades/Documents/2021/291221_CumpliendoDiciembre21_Informe.pdf

Ministerial
 Compliance
 Score: 9

Until 2020, all prime ministers since the restoration of democracy in 1977 presided over single-party governments. Thus, all ministries were chaired by members or persons close to the same party or to the prime minister. The prime minister (who is the leader of the governing party) has been 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 weak dynamic of collective deliberation within the cabinet, and the tradition of departmentalism (with broad levels of autonomy accorded to ministers within their department's jurisdiction) may erode cabinet cohesion.

Hence, the first minority coalition government, which took office in January 2020, subjected ministerial compliance to a stress test. The coalition agreement established some priorities, policy projects and mechanisms for

discussing internal disagreements. On several occasions, the PSOE accused its junior partner, Unidas Podemos, of behaving simultaneously as a part of the government and the opposition. In 2021, there were several notable instances of policy dissonance between the parties. Discord within the coalition reached a fever pitch due to a combination of political differences and personality clashes. In March, Podemos' leader decided to leave the cabinet. However, the coalition was nonetheless able to advance its ambitious legislative agenda.

Politico, March 2, 2021 Spain's governing partners show bad blood in public.

Monitoring
Ministries
Score: 7

The activities of all line ministries are monitored by the Prime Minister's Office (PMO), the Government Office (GO), and ultimately the Council of Ministers. The PMO oversees the flow of political and sectoral information and keeps the prime minister abreast of the activities of all line ministries. The GO, headed by the powerful deputy prime minister, monitors the activities of line ministries through the weekly meetings which prepare the way for Council of Ministers meetings. The capacity of the GO to monitor ministers improved 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. The cabinet reshuffle in July 2021 was intended to improve this function.

Funciones del Ministerio de la Presidencia
<http://www.mpr.gob.es/mpr/funciones/Paginas/funciones.aspx>

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.

Central government ministries are formally able to supervise the activities of decentralized authorities at the regional level. However, many important responsibilities, such as those regarding health or education, have been in the hands of the autonomous communities for almost two decades, and coordination mechanisms are weak. Moreover, the institutional framework for supervision is very limited. For example, during the first weeks of the state of alert in March/April 2020, the national Ministry of Health was unable to collect or provide operational data, let alone coordinate joint actions with the autonomous communities in areas such as the procurement of protective clothing and masks. Another example relates to the controversy over education and linguistic policies implemented by the regional governments, which are not subject to central supervision. This has opened the door for judiciary interventions that have ordered modifications to some relevant aspects of these regional policies.

Erkoreka, Mikel; Grau Creus, Mireia; Kölling, Mario (2021), Decentralisation and COVID-19: the Spanish territorial system under pressure, en Nico Steytler (ed.) *Comparative Federalism and COVID-19: Combatting the Pandemic*, Routledge.

Task Funding
Score: 7

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. In some cases, 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. A reform of this model planned in 2016 had to be postponed due to political deadlock.

The debate over the criteria for allocating funding to autonomous communities continued in 2021, 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 have sufficient funds available to fulfill their tasks. In 2017, two expert commissions were appointed – one for regional financing and the other for local financing – which produced reports that same year describing the primary problems and offering reform proposals. Finally, in December 2021, the coalition government published a proposal for the long-awaited reform of the territorial financing model.

During the COVID-19 pandemic, the central government allocated a significant amount of additional resources to the regional governments to help them provide services and react to the health crisis. In 2021, these extraordinary funds totaled €13.5 billion.

Gobierno de España (2021), Hacienda envía una propuesta de población ajustada para determinar el reparto de los recursos del sistema de financiación autonómica, <https://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/hacienda/Paginas/2021/031221-poblacion-ajustada.aspx>

Constitutional
Discretion
Score: 7

The constitution sets out the division of powers: some powers are expressly assigned to the central government, while the autonomous communities are by statute able to address all matters not allocated to the central government, as well as the legislative development of these tasks and the implementation of the relevant framework legislation and federal legislation. This enables the autonomous communities to adapt federal laws somewhat to fit their own preferences. Over the last 40 years, the autonomous communities have adopted their own statutes defining their institutions and powers, and have assumed responsibility for providing a wide range of public services of a regional or local nature.

During the COVID-19 crisis, the suspension of EU fiscal rules provided the various levels of government with considerable discretion over overall debt limits, but also uncertainty about the normative context of their medium-term budget planning.

During the first state of alarm (14 March – 21 June), the autonomous communities lost their decision-making capacity, although they remained responsible for the management of centrally issued instructions. However, the second nationwide state of emergency (October 2020 – May 2021) was implemented in a decentralized manner, and was managed primarily by the autonomous community governments. Since then, these entities have been able use their constitutional scope of discretion with regard to perimetral lockdowns and restrictions on social and religious gatherings.

The central government allows subnational governments to use their constitutional discretion, but available funding remains an important constraint, with reform to the system still needed.

Citation:

Carrión Álvarez, Miguel (2021), Eurozone fiscal reform in light of COVID-19: a review of existing proposals, FUNCAS, <https://www.funcas.es/articulos/eurozone-fiscal-reform-in-light-of-covid-19-a-review-of-existing-proposals/>

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. 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.

Disparities in educational outcomes, innovation activities and healthcare outcomes are increasing.

During the first month of the COVID-19 pandemic, the central government had difficulties coordinating the national response. It was very difficult for the Ministry of Health to obtain and provide even basic operational data, or to coordinate joint actions with the autonomous communities. As a lesson from the crisis, the National Ministry of Health is seeking to ensure national standards in healthcare delivery. Moreover, efforts are being made to improve coordination and multilevel governance within the management of the National Health System. To this end, the government will create a National Public Health Center tasked with improving the system's governance, and foster cooperation mechanisms between the autonomous communities' healthcare and public health services.

In contrast, there are few national standards for other important policy areas (such as social services, education or transport). As a consequence, there is considerable diversity in term of services and outcomes.

Citation:

Erkoreka, Mikel; Grau Creus, Mireia; Kölling, Mario (2021), Decentralisation and COVID-19: the Spanish territorial system under pressure, en Nico Steytler (ed.) *Comparative Federalism and COVID-19: Combatting the Pandemic*, Routledge.

Kölling; Colino, Jaime-Castillo (2020), *Desigualdades socioeconómicas territoriales en España*, working paper, Friedrich Ebert Stiftung.

Effective
Regulatory
Enforcement
Score: 7

The country's important companies and interest groups have substantial influence over policymaking. 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, and produces significant regulatory biases in

some policy areas (such as energy, public works, banking, or trade and commerce).

Citation:

Euractiv (2021), Spanish power companies clash with government over measures to reduce electricity bill, 16/09/2021

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.

A Ministry of Social Rights and Agenda 2030 was created in 2021 with executive powers, and tasked with coordinating domestic actions to promote fulfilment of the SDGs. In addition, a specific governance system has been created: the government commission for the 2030 Agenda will strengthen dialogue and interministerial coordination, while the Sectoral Conference for the 2030 Agenda will facilitate coordination with subnational levels of government. However, the government reacts most frequently to changes in the international developments through further executive centralization around the PMO, as reflected in the management of the Plan for Recovery, Transformation and Resilience.

Citation:

Real Decreto 507/2021, de 10 de julio, por el que se modifica el Real Decreto 2/2020, de 12 de enero, por el que se reestructuran los departamentos ministeriales.

International
Coordination
Score: 8

The years 2020 and 2021 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.

The country's foreign development agencies increased the budget for foreign aid in 2020 and 2021, announcing that they would prioritize global health and epidemic prevention in the country's development cooperation policy.

In 2020, as a member of the UN Human Rights Council, the government supported a number of resolutions including those 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 various challenges including climate change (through the COP26), energy supply, financial stability and illegal migration (as a signatory to the Global Compact and several bilateral agreements). At the 26th edition of the United Nations Climate Change Conference, the government announced that Spain would increase its financial aid to less developed countries by 50%, to help them make a sustainable and just energy transition.

Opportunities for contributing to collective governance at the European level have expanded since the United Kingdom's withdrawal from the EU. For example, Spain played an important role in the negotiation of the NextGenerationEU program. Spain's "non-paper on a European recovery strategy" included the suggestion that a top priority should be given to the ecological and digital transition of the economy, and to boosting the European Union's long-term industrial and technological autonomy.

The government has advocated finding a common European answer to dealing with the energy crisis. However, member states decided to respect the current market rules and avoid any long-term reforms or market interventions.

Citation:

Government of Spain (2020), non-paper on a European recovery strategy April 19, 2020, <https://g8fip1kplyr33r3krz5b97d1-wpengine.netdna-ssl.com/wp-content/uploads/2020/04/Spain-.pdf>

Organizational Reform

Self-monitoring
Score: 5

The executive actors do not monitor institutional arrangements of governing in a regular basis. On the one hand, such monitoring is highly centralized. 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. In 2021 Prime Minister Sánchez introduced several changes with regard to ministries' names

and jurisdictions, without a prior impact assessment. On the other hand, this task is not performed regularly, in spite of laws 19/2013 on transparency, access to public information and good governance, and 39/2015 on general administrative procedure, which state that the Government Office must engage in planning, evaluation, and comprehensive monitoring of general legislation and, where appropriate, must promote revision and simplification.

In December 2020, the government approved a royal decree on the oversight structures and the frameworks necessary for domestic oversight control, the ex ante monitoring of expenditures by independent bodies, and ex post monitoring by national audit authorities. In order to detect and correct fraud, corruption and conflicts of interest as well as to increase the effectiveness of the implementation of the RRP, the government created several temporary structures and gave new responsibilities to a number of existing administrative departments.

Citation:

Gobierno de España (2021), Plan de Recuperación, Transformación y Resiliencia https://www.lamoncloa.gob.es/temas/fondos-recuperacion/Documents/160621-Plan_Recuperacion_Transformacion_Resiliencia.pdf

Institutional
Reform
Score: 7

In 2020 and 2021, several important changes were introduced with regard to policy portfolios and associated ministries, in line with the coalition government's policy priorities and requirements for implementing the RRP. This included the creation of several new departments (including the Ministry for the Ecological Transition and the Demographic challenge and Ministry of Social Rights and Agenda 2030), and changes in the names and responsibilities of others. However, these changes did not significantly alter strategic capacities or policymaking structures.

Citation:

Oficina Nacional de Prospectiva y Estrategia del Gobierno de España (2021), España 2050, https://www.lamoncloa.gob.es/presidente/actividades/Documents/2021/200521-Estrategia_Espana_2050.pdf

Real Decreto 507/2021, de 10 de julio, por el que se modifica el Real Decreto 2/2020, de 12 de enero, por el que se reestructuran los departamentos ministeriales.

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 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 (around 40% of the population indicated that they were very or quite interested in politics at the end of 2021). 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.

During the pandemic, Spanish citizens showed a high degree of public concern about the dissemination of false information. According to the 2020 Digital News Report, only 36% of Spanish users trust media news, the lowest level since 2015. Trust in information disseminated via social networks (23%) or internet search engines (32%) is also declining. Only 24% of young people trust social networks, 13 percentage points 2019's level, while 63% say they are concerned about not knowing what is true or false on the internet. The majority of Spanish citizens (49%) believe that the government, national politicians and parties are the main sources of disinformation.

Citation:

Villena-Alarcón, E.; Caballero-Galeote, L. (2020), COVID-19 Media Coverage on Spanish Public TV – http://www.tripodos.com/index.php/Facultat_Comunicacio_Blanquerna/article/view/818/837

Digital news report España (2020), <https://www.digitalnewsreport.es/>

Mónica Ferrín, Marta Fraile Maldonado (2014): La medición del conocimiento político en España problemas y consecuencias para el caso de las diferencias de género. *Revista de Investigaciones Sociológicas*, Vol. 147. Available at: <https://dialnet.unirioja.es/servlet/articulo?codigo=4773592>

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 centralized online platform transparencia.gob.es lists all ongoing legislative initiatives and consultations, thus facilitating citizen participation.

During the COVID-19 state of alarm, the national government's service providing open access to data was suspended.

In October 2020, the government approved the Fourth Open Government Plan (2020 – 2024). The plan was jointly approved by the national, regional and local governments following a consultative process. The plan includes 110 initiatives and 529 activities; one of many aims is to create effective and transparent institutions that are accountable and guarantee public access to

information. The Open Government Forum, composed of representatives of public administrations and civil society, has continued its operations, and in October 2021 delivered its recommendations for the reform of the transparency law.

Citation:

Spanish Government (2020), Fourth Open Government Plan (2020-2024) https://transparencia.gob.es/transparencia/ca/dam/jcr:eaa4dcf1-c1e6-48be-a43e-965d16a19983/4thPlan_OpenGov_Spain_EN.pdf

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

Legislative Actors' Resources

Parliamentary
Resources
Score: 5

Every parliamentary group is assigned funds to hire personnel, with budget allocations dependent on the party's electoral results. However, individual members of parliament lack even a single exclusive assistant, and the small number of staff members is shared. No real parliamentary research units exist, and committees have few independent administrative resources, but can count on the important legal expertise of clerks. 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.

The parliamentary staff is also involved in the institution's external relations, specifically interparliamentary relations and parliamentary diplomacy. However, the resources available are limited, which makes it difficult for them to offer value-added services.

Citation:

Kölling, M. and I. Molina. 2022, *The Administration of the Spanish Cortes Generales: Organizing Legitimacy, Executive Dominance and Party Discipline*, Routledge Handbook of Parliamentary Administrations. (forthcoming)

Jorge M. Fernandes, Cristina Leston-Bandeiraeds. (2019): *The Iberian Legislatures in Comparative Perspective*. London: Routledge.

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

Summoning
Ministers
Score: 9

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.

According to Article 110 of the constitution, the committees of either the Congress of Deputies or 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.

The COVID-19 pandemic had a substantial impact on the work of Spain’s parliament. During the coronavirus crisis, both chambers demonstrated a remarkable ability to continue their legislative business thanks to a largely digital working environment that was already in place. However, from 26 February until 25 April 2020, no question-and-answer governmental oversight sessions were held in the Congress’ plenary. However, the minister of public health did appear several times in front of the Congress’s Commission of Public Health.

However, following frequent debates in parliament during the state of alarm, from June 2020 through the end of the review period the president appeared before parliament to provide a briefing only once every two months, and the minister of health once every month. This has reduced the effectiveness of parliamentary oversight of government decision-making. In 2021 the parliament recovered its constitutional functions, both regarding the legislative process and in monitoring the actions of the government.

Citation:

García-Escudero Márquez, P. (2020), *Actividad y funcionamiento de las Cortes generales durante el estado de alarma por COVID-19*, Cuadernos Manuel Giménez Abad, Junio.

Summoning
Experts
Score: 8

The standing orders of the Congress of Deputies and the Senate state that parliamentary committees may request, through their respective speakers, “the attendance of persons competent in the subject-matter for the purposes of reporting to and advising the committee.” The rights of parliamentary committees to send invitations to independent experts are not limited by any legal constraint.

Requests to summon experts have increased in number in recent years, particularly at the beginning of the legislative process or in specialized subcommittees. Nevertheless, the limited nature of the parliament’s staffing and financial resources have to date prevented any systematic involvement in the lawmaking process by university scholars, think tank analysts or other experts. There has been formal and informal collaboration with other public administrations and the Bank of Spain, although this information cannot be considered autonomous and include political judgment of the executive.

In October 2020, the Joint Congress-Senate Commission was created to assess the causes and effects of the COVID-19 pandemic. Several experts were invited to appear before the committee.

Citation:

Kölling, M. and I. Molina. (2022), *The Administration of the Spanish Cortes Generales: Organizing Legitimacy, Executive Dominance and Party Discipline*, Routledge Handbook of Parliamentary Administrations. (Forthcoming)

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. Since 2020, the 22 ministries have been monitored by 21 standing legislative committees in the Congress, which were even renamed to match the ministerial portfolios. Thus, there is no mismatch, although other structural factors (limited committee resources) are rather more problematic with regard to effective monitoring. In recent years, the delay in forming governments has also interfered with the organization of parliamentary committees.

Citation:

Índice de Comisiones, XIV Legislatura
<https://www.congreso.es/comisiones>

Media

Media Reporting
Score: 7

The main print periodicals 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 and politics-themed blogs).

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. 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).

The political information provided via TV shows with larger audiences usually takes the form of infotainment, with an intensive focus on partisan disagreements and face-to-face debates. In contrast, detailed information on policy decisions is less frequently provided, and is not usually broadcast during prime-time hours. Studies show that new parties' voters tend to be more likely to follow new media and social networks.

The media played a key role in providing information about and making people aware of the emergency situation during 2020. Although both audiences and experts have appreciated the work done by Spanish public television, the majority opinion is negative. In this regard, critics argue that coverage has not been impartial and there has been an excess of information. There is a high degree of public concern about the dissemination of false information. According to the 2020 Digital News Report, only 36% of Spanish users trust media news, the lowest level since 2015. The majority of Spanish citizens (49%) believe that the government, national politicians and parties are the main sources of disinformation.

Universidad de Navarra (2021), Digital News Report <https://www.digitalnewsreport.es/resumen-ejecutivo-digitalnewsreport-es-2021-periodismo-de-calidad-y-cercania-para-combatir-la-infodemia/>

Parties and Interest Associations

Intra-party
Decision-Making
Score: 7

Parties in Spain are progressively allowing all members and even (for some issues) non-members to participate in making key decisions. Party candidate lists and issue agendas have not been as open. Internal debates within most Spanish political parties on electoral programs are common and made public. However, party leadership structures keep a significant level of control over the most important decisions, including the appointment of individual party leaders.

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 Catalanian sections, the latter of which is formally an independent party). The manner in which the PSOE selects its leader and main candidates has become quite open. With regard to the 2019 elections, the PSOE secretary-general was automatically named the party's prime-ministerial candidate (since no other candidate sought to challenge him).

PP President Pablo Casado, who was selected as party chairman in 2018 after a vote by members (for the first time), was automatically named the party's prime-ministerial candidate.

Podemos and Ciudadanos present themselves as more internally democratic. However, despite the rhetoric in these two parties, closed groups of party leaders were able to fully control the most important decisions.

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 suppressed the election of candidates by party members, and gave total control over the procedure and election to the national direction.

Following the onset of the COVID-19 pandemic, these parties have increased their use of digital tools to foster internal party activities.

Citation:

Juan Rodríguez Teruel and Oscar Barberà (2022): "¿Cuánto ha cambiado la oferta política? El impacto de los nuevos partidos en el reclutamiento de los candidatos," Elecciones autonómicas 2019-2022, Madrid: Centro de Investigaciones Sociológicas.

Association
Competence
(Employers &
Unions)
Score: 8

During the period under review, the government actively engaged in dialogue with Spain's biggest trade unions (UGT and CCOO) and employers' associations. The social stakeholders and the government signed several agreements, including on the increase in the minimum wage, the plans for temporary layoffs during the pandemic (ERTEs), a benefit programs for self-employed workers, the Economic Reactivation and Employment Agreement, and the Remote Working Agreement. The government also convened many meetings with trade unions (UGT and CCOO) and employers' associations to

structure and monitor the various economic and social responses to the pandemic.

In November 2020, the government, trade unions and employers' associations set up the Social Dialogue Board for Recovery, Transformation and Resilience. This board serves as a channel for the regulation of dialogue between the government and social stakeholders regarding the design and implementation of the national recovery plan.

More generally, the main economic interest associations are coping with increasingly constrained resources and a fragmentation of both the labor market and the economic landscape (as is also happening to political parties). But they remain closely involved in the policymaking process at the executive level.

Citation:

Gobierno de España (2021), Plan de Recuperación, Transformación y Resiliencia https://www.lamoncloa.gob.es/temas/fondos-recuperacion/Documents/160621-Plan_Recuperacion_Transformacion_Resiliencia.pdf

Association
Competence
(Others)
Score: 5

Noneconomic 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). 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 an exception in this portrait. Although they are also weak as autonomous organizations, they have become increasingly influential within the political parties (especially in the PSOE). The LGBTQ+ movement has successfully defended homosexuals' rights. 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. Over the course of the last several years, pensioners have staged several large protests to demand fairer pensions for themselves and for future generations. Social movements promoting or opposing the Catalan government's bid for independence also have experts that conduct research on issues related to independence.

Independent Supervisory Bodies

Audit Office
Score: 6

The Court of Auditors is the audit office body charged with auditing the state's accounts, electoral and party funding, and the financial management of the entire public sector. In addition, most autonomous communities have also established courts of audit tasked with monitoring their devolved competences. The national Audit Office is empowered to undertake investigations on its own initiative following the submission of a complaint, and has authority to impose substantial penalties for the misuse of public funds. Although there have been certain improvements, the office suffers from a lack of resources and political independence, since its members are appointed by the parties themselves. In recent years, it has also been accused of nepotism.

Deadlines for submitting accounts and other financial information to the Court of Auditors were suspended during the first nationwide state of alarm. Moreover, the Coordination Committee of the Court of Auditors on several occasions pointed out that the fight against COVID-19 has had a substantial impact on public spending and auditing. In 2021, the Court of Auditors started to revise all emergency contracts between government ministries, the autonomous communities, town councils and publicly owned businesses. However, in 2021, the Court restructured its departments, and the final report on emergency contracts was postponed. The Court's decision to implement embargoes and charges against Catalan secessionists was criticized by the Council of Europe. In November 2021, all but one of the members of the Court of Auditors were replaced.

Ombuds Office
Score: 7

Article 54 of the constitution regulates the Office of the Ombudsperson (Defensor del Pueblo). 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. In addition, there are also nine regional ombuds offices, focused on supervising the functioning of their own regional and local administrations.

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. During 2020 and 2021, the Spanish Ombudsman forwarded numerous complaints from citizens to the Ministry of the Interior about the restrictions imposed on movement after the first state of alarm was declared.

The Spanish ombudsman was replaced in December 2021, after four years of delay.

Citation:

Defensor del Pueblo (2020), "Más de un millar de quejas por el COVID-19," noticia de 3 de abril de 2020, <https://www.defensordelpueblo.es/noticias/mas-millar-quejas-covid-19/>. 13

Defensor del Pueblo (2020), "El Defensor plantea la posibilidad de que niños y niñas puedan salir a la calle de manera limitada y tomando las debidas precauciones," noticia de 17 de abril de 2020, <https://www.defensordelpueblo.es/noticias/defensor-crisis-covid/>

Data Protection
Authority
Score: 9

The Spanish Data Protection Agency (AEPD) is a public authority that acts fully independently of the public administration. 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. However, in December 2021, the selection of new top-level staff at the Data Protection Agency led to criticism from the European Data Protection Supervisor, which did not rule out intervening in the event that the candidates agreed by PSOE and PP were finally elected.

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 new mechanisms for informing citizens about the processing of their personal data.

In 2021, the AEPD set a new record in the number of sanctions implemented, amounting to 32 million (up from only 3 million in 2020). This increase was partly due to the effect of the abovementioned Law 3/2018.

Citation:

Business Insider (2021): "Protección de Datos multa un 1.000% más y convierte a España en el sexto país europeo en sanciones por vulnerar el RGPD," Available at: <https://www.businessinsider.es/multas-proteccion-datos-1000-grandes-2021-982521>

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