



Indicators of Regulatory
Policy and Governance

EUROPE 2022

Spain



CONGRESO DE LOS DIPUTADOS



Spain

Overview and recent developments

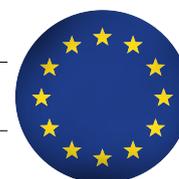
Spain is gradually stepping up its Better Regulation efforts by expanding its initial focus on administrative simplification through the development of stakeholder engagement and *ex post* evaluation. Moreover, regulatory impact assessment (RIA) has been strengthened through the creation of a dedicated body.

Since 2018, the Regulatory Coordination and Quality Office, within the Ministry of the Presidency, Relations with the Parliament and Democratic Memory is the country's permanent body in charge of promoting the quality, co-ordination and coherence of rulemaking activity undertaken by the executive. To that end, the applicable legal framework foresees the development of an information system enabling direct and secure communication with ministerial departments. The Office oversees the implementation of Better Regulation requirements, chiefly RIA. It also supervises the initial definition of the objectives and methodology for the *ex post* evaluation of regulations covered by RIAs, but does not scrutinise *ex post* evaluations themselves. The Ministry of Territorial Policy and Public Function checks the quality of various RIA components and is responsible for promoting and monitoring administrative burden reduction and public consultation and participation. The Council of State, in turn, assesses the legality of regulations and their development, and watches over the public administration's correct functioning and legal quality of regulations initiated by the executive. It issues statements in response to consultations from ministries, autonomous community presidents and certain state entities.

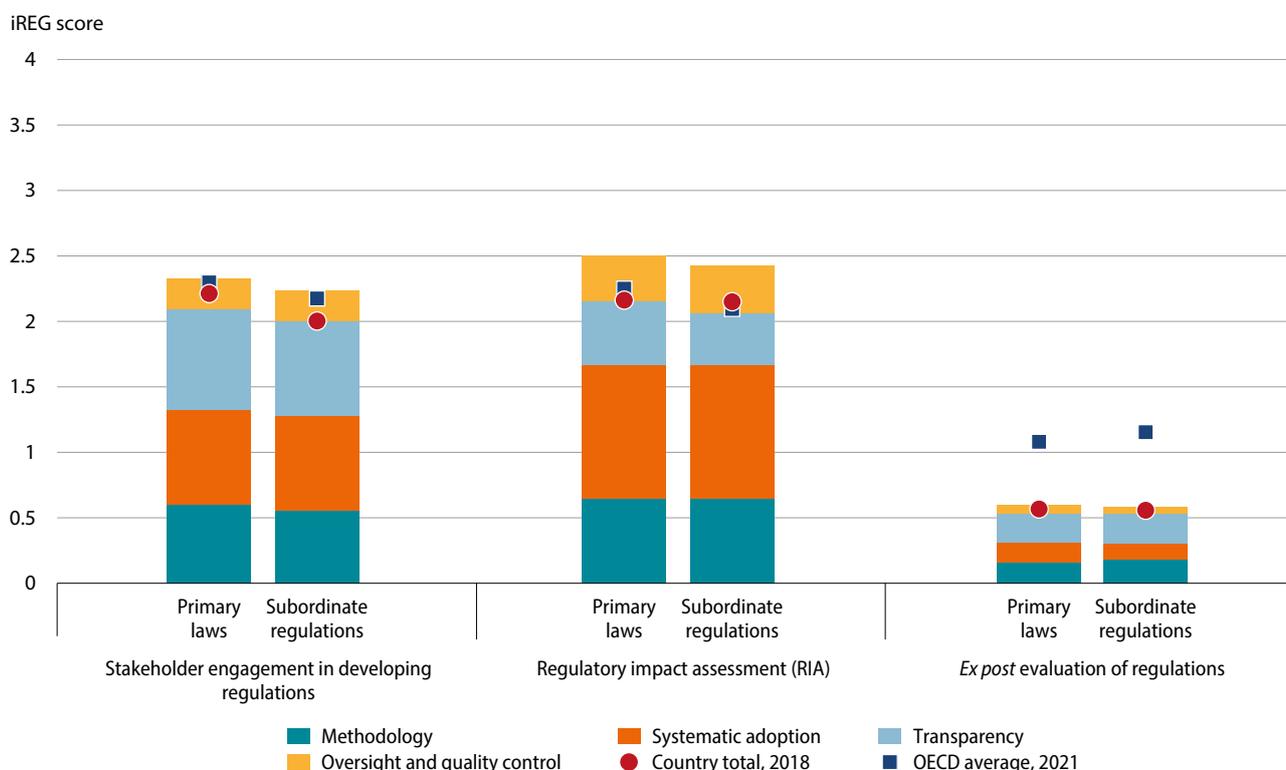
While stakeholder engagement is not undertaken on a fully systematic basis yet, the country has improved the transparency of its system. The new centralised online platform (<http://transparencia.gob.es>) lists all ongoing consultations and allows citizens to engage in

normative activity at two important points in the policy cycle: before regulatory development starts and at the draft regulation stage. The platform also provides access to the annual regulatory planning agenda for primary laws and subordinate regulations. Moreover, statistics on citizens' use of the platform, which also hosts content related to the broader topic of transparency and good governance in the public administration, are published yearly.

RIA is required for all regulations. Since October 2017, impacts of regulatory proposals on competition and SMEs must be systematically considered, and updated thresholds apply for the conduct of *ex post* evaluations. The legal basis for RIA was updated in October 2017 by means of a Royal Decree aimed at adapting to changes in administrative law and aligning RIA requirements with best practices promoted by the OECD and the EU. Update of the 2009 RIA guidelines is still pending despite the need for clear guidance on data collection methods and assessment methodologies in this area. In the same vein, since *ex post* evaluation of regulations is not systematic, developing targeted guidance and standard evaluation techniques would contribute to a more widespread and consistent evaluation of how regulations actually work in practice.



INDICATORS OF REGULATORY POLICY AND GOVERNANCE (iREG): SPAIN, 2021



Note: The more regulatory practices as advocated in the *OECD Recommendation on Regulatory Policy and Governance* a country has implemented, the higher its iREG score. The indicators on stakeholder engagement and RIA for primary laws only cover those initiated by the executive (90% of all primary laws in Spain).

Source: Indicators of Regulatory Policy and Governance Surveys 2017 and 2021, <http://oe.cd/ireg>.

REQUIREMENTS TO USE REGULATORY MANAGEMENT TOOLS FOR EU-MADE LAWS: SPAIN



Source: Indicators of Regulatory Policy and Governance (iREG) Survey 2021, <http://oe.cd/ireg>.

THE OECD REGULATORY INDICATORS SURVEY AND THE COMPOSITE INDICATORS

The data presented in the *Better Regulation Practices across the European Union 2022* report are the results of the 2014, 2017, and 2021 indicators of Regulatory Policy and Governance (iREG) surveys. The results from these surveys for OECD member countries as well as the European Union have also been presented in the 2015, 2018, and 2021 OECD Regulatory Policy Outlooks. Composite indicators and country profiles for the five EU countries that are not members of the OECD were published for the first time and are based on the data from the 2017 and 2021 iREG surveys.

The Regulatory Indicators Survey investigates in detail three principles of the *2012 OECD Recommendation of the Council on Regulatory Policy and Governance*: stakeholder engagement, regulatory impact assessment (RIA) and *ex post* evaluation. Three composite indicators were developed based on information collected through the surveys for these areas. Each composite indicator is composed of four equally weighted categories:

- **Systematic adoption** which records formal requirements and how often these requirements are conducted in practice;
- **Methodology** which gathers information on the methods used in each area, e.g. the type of impacts assessed or how frequently different forms of consultation are used;
- **Oversight and quality control** records the role of oversight bodies and publicly available evaluations; and
- **Transparency** which records information from the questions that relate to the principles of open government e.g. whether government decisions are made publicly available.

The data underlying the composite indicators reflect practices and requirements in place at the national level of government, as of 1 January 2021. The indicators for stakeholder engagement and RIA relate to regulations initiated by the executive, while the indicator on *ex post* evaluation relates to all regulations. Whilst the indicators provide an overview of a country's regulatory policy system, they cannot fully capture the complex realities of its quality, use and impact. In-depth country reviews are therefore required to complement the indicators and to provide specific recommendations for reform. A full score on the composite indicators does not imply full implementation of the *Recommendation*. To ensure full transparency, the methodology for constructing the composite indicators and underlying data as well as the results of sensitivity analysis are available publicly on the OECD website (<http://oe.cd/ireg>).

Related links:

- Full report: [Better Regulation Practices across the European Union 2022](#)
- [Better Regulation Practices across the European Union 2019](#)
- [Indicators and underlying data and methodology](#)
- [Regulatory Policy Outlook 2021](#)
- [Recommendations and Guidelines on Regulatory Policy](#)
- [OECD Measuring Regulatory Performance Programme](#)
- [OECD work on regulatory policy](#)

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 <http://oe.cd/ireg>

