



Spain

Indicators of Regulatory Policy and Governance 2021





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.

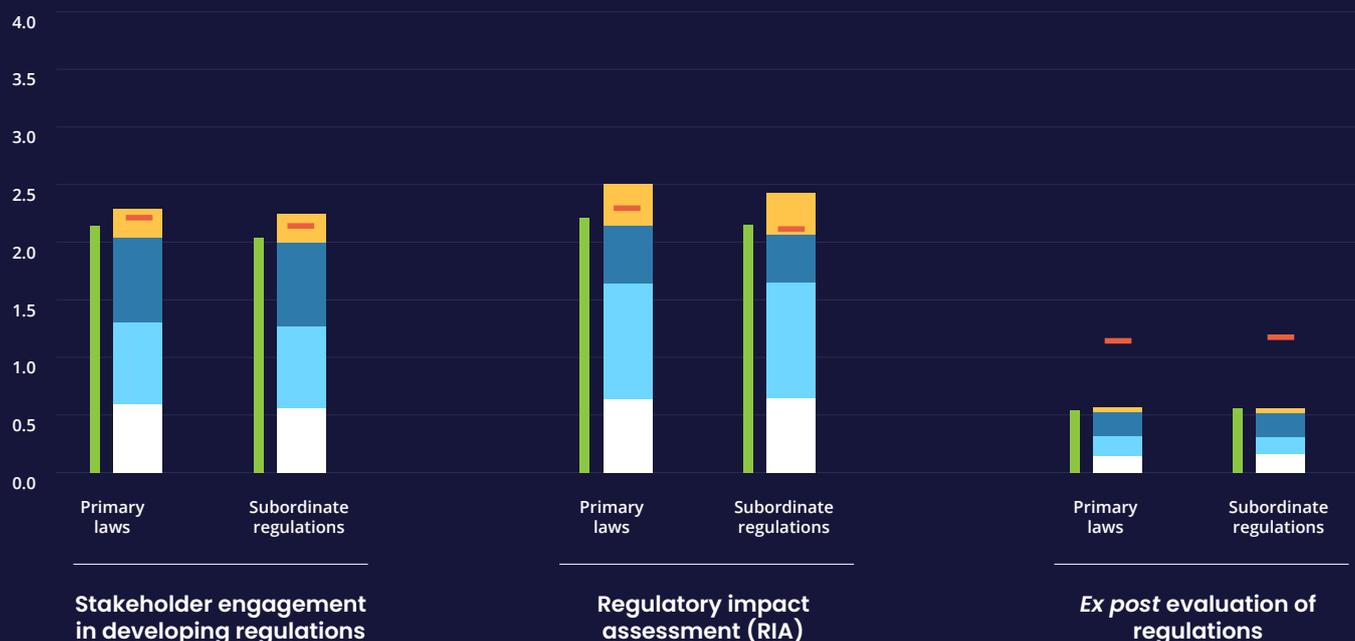
Since 2018, the Regulatory Coordination and Quality Office, within the Ministry of the Presidency, Relations with the Parliament and Democratic Memory is the country's permanent body in charge of promoting the quality, co-ordination and coherence of rulemaking activity undertaken by the executive. To 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

● Methodology
 ● Systematic adoption
 ● Transparency
 ● Oversight and quality control
 ■ Country total, 2018
 — OECD average, 2021



Notes: 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/iereg>.

Spain: Transparency throughout the policy cycle



Inform the public in advance that:

A public consultation is planned to take place	Never
Regulatory impact assessment (RIA) is due to take place	No
Ex post evaluations are planned to take place	Some



Consult with stakeholders on:

Draft regulations	Major
Evaluations of existing regulations	Some



Publish online:

Ongoing consultations*	All
Views of participants in the consultation process	Yes
RIAs	All
Evaluations of existing regulations	No



Policy makers use:

Interactive website(s) to consult with stakeholders	No
Website(s) for the public to make recommendations on existing regulations	No



Policy makers provide a public response to:

Consultation comments	No
Recommendations made in ex post evaluations	Never

* Publish on a single central government website.

Note: The data reflects Spain's practices regarding primary laws initiated by the executive.

Source: Indicators of Regulatory Policy and Governance Survey 2021, <http://oe.cd/iereg>.

