Spain

Overview and recent developments

Spain is gradually broadening its Better Regulation agenda from an initial focus on administrative simplification to stakeholder engagement and evaluation. A new user-friendly website has been recently set up by the Spanish Government (http://transparencia.gob.es) which includes the annual regulatory planning agenda for primary and subordinate regulations, as well as a centralized platform to provide access to public consultations. Still, stakeholder engagement is not yet undertaken on a systematic basis in Spain.

RIAs are required for all regulations in Spain. New evaluation procedures were issued in October 2017, introducing additional requirements to systematically consider impacts of regulatory drafts on competition and on small and medium sized enterprises, as well as new thresholds for the conduct of ex post evaluations. A new oversight body, the Office on Regulatory Coordination and Quality was established in 2017 and has begun its activities in 2018.

An update from the 2009 RIA guidelines would provide useful support to regulators, all the more in the conduct of the new RIA procedures. The guidance could be further developed by providing advice on methods of data collection as well as providing clear assessment methodologies. In this regard, Spain would also benefit from developing standard evaluation techniques for ex post evaluation since the ex post review system is still in its early stages and not yet implemented systematically.

Institutional setup for regulatory oversight

The Office on Regulatory Coordination and Quality within the Ministry of the Presidency, Relations with the Parliament and Equality is specifically mandated to oversee the implementation of Better Regulation requirements, namely by examining the content of RIAs and ex post evaluations. The Ministry of Territorial Policy and Public Service is responsible for promotion and follow-up of simplification of administrative burdens and public consultation and participation. Together with the Ministry of Economy and Enterprise it scrutinizes the quality of different aspects of RIAs. These oversight functions were taken over from the Ministry of Finance and Public Service in the recent change of Government in 2018. The Council of State is responsible for assessing the legality of regulations and the process they were developed with, efficiency of the administration in achieving its goals and scrutinising the legal quality of subordinate regulations or primary laws initiated by the executive.
Indicators of Regulatory Policy and Governance (iREG): Spain, 2018

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 (93% of all primary laws in Spain).


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Location of regulatory oversight functions: Spain

Notes: ● indicates that a given regulatory oversight function is covered by at least one body in a particular location. Data present the situation as of 31 December 2017 and do not reflect changes that may have taken place in 2018.