

Chapter 1

Strategy and policies for Better Regulation

Regulatory policy may be defined broadly as an explicit, dynamic, and consistent “whole-of-government” policy to pursue high quality regulation. A key part of the OECD’s 2005 Guiding Principles for Regulatory Quality and Performance is that countries adopt broad programmes of regulatory reform that establish principles of “good regulation”, as well as a framework for implementation. Experience across the OECD suggests that an effective regulatory policy should be adopted at the highest political levels, contain explicit and measurable regulatory quality standards, and provide for continued regulatory management capacity.

Effective communication to stakeholders is of growing importance to secure ongoing support for regulatory quality work. A key issue relates to stakeholders’ perceptions of regulatory achievements (business, for example, may continue to complain about regulatory issues that are better managed than previously).

Governments are accountable for the often significant resources as well as political capital invested in regulatory management systems. There is a growing interest in the systematic evaluation of regulatory management performance – “measuring the gap” between regulatory policies as set out in principle and their efficiency and effectiveness in practice. How do specific institutions, tools and processes perform? What contributes to their effective design? The systematic application of *ex post* evaluation and measurement techniques can provide part of the answer and help to strengthen the framework.

E-Government is an important support tool for Better Regulation. It permeates virtually all aspects of regulatory policy from consultation and communication to stakeholders, to the effective development of strategies addressing administrative burdens, and not least as a means of disseminating Better Regulation policies, best practices, and guidance across government, including local levels. Whilst a full evaluation of this aspect is beyond the scope of this exercise and would be inappropriate, the report makes a few comments that may prove helpful for a more in-depth analysis.

Assessment and recommendations

Development of Better Regulation strategy and policies

There have been a range of positive developments since the OECD’s 2000 report, especially in the recent past. Spain was a relative latecomer to Better Regulation. Overall, awareness of Better Regulation has risen significantly. In some aspects, such as administrative burden reduction, Spain is now setting ambitious targets. The Royal Decree to strengthen impact assessment is less ambitious, but does

appear to signal a change of gear, based on a collective decision of the government that action was needed. Other issues are addressed such as EU management and legal access. The OECD peer review team were told that Spain is now “working very hard” to address issues and to make up a perceived lag compared with the rest of Europe, setting the basis for progress in the future.

The political commitment to Better Regulation, and the importance of an effective regulatory policy for economic revival, needs to be brought more to the fore. Political commitment to Better Regulation is starting to take hold, as evidenced by the adoption of the National Action Plan for burden reduction by the Council of Ministers. This constituted a strong impulse forward, but not all actors are yet on board. The process could be encouraged by stimulating further debate on Better Regulation and what it can bring to the economy and society. Elements of this debate are in place. A clear link is made between the administrative burden reduction programme and business competitiveness. There is also a growing awareness of the dangers posed by unrestrained regulatory inflation and complexity.

There is an increasingly important need for a clearer and more integrated Better Regulation strategy. This could be said of several other EU countries, although strategies are increasingly evident. Spain now has started with a range of separate policies, which in themselves highlight the progress made. The current approach seeks to remedy this situation. The National Action Plan for Burden Reduction is intended to be a comprehensive strategy that links several aspects of the Better Regulation agenda including not only burden reduction, but also impact assessment, co-operation, communication, training and evaluation. The recommendation of the 2000 OECD report for the adoption, at the political level, of a broad policy on regulatory reform that establishes clear objectives and frameworks for implementation remains however relevant, as there is some way to go on integration in practice. The OECD peer review team judged that more work is needed to connect the different elements, notably burden reduction and impact assessment. There is, as yet, no net target for burden reduction which would clearly signal that the two policies are well joined up. The title of the Action Plan also implies that the main emphasis is the reduction of administrative burdens, whilst a fully rounded regulatory policy is much more than that. The need to encourage economic recovery is an opportunity to explain how a stronger overall strategy would contribute to this. For example, emphasis could be laid not only on the cost cutting aspects of an integrated strategy via administrative burden reduction, but also its capacity to stimulate entrepreneurship, and to increase the efficiency of the public sector.

Some important aspects of an effective Better Regulation strategy are missing, or need reinforcement. These include the need for a clearer policy on public consultation, a modernisation of the approach to enforcement, and a stronger approach to legislative simplification and legal quality. There is also a need to strengthen connections between related processes, for example ensuring that *ex post* burden reduction processes are fully joined up with *ex ante* impact assessment.

Spain faces significant structural challenges for the development of Better Regulation in a decentralised state, an issue which is fully recognised. The central government understands that leadership from the centre is important. In the recent past it has launched a series of promising meetings and structured dialogues to take this forward. It has also taken initiatives through the development of covenants on Better Regulation with the Autonomous Communities (one has been signed with Cantabria and others are expected to follow). It is too early, however, to offer a view on the results, and close monitoring will be necessary to secure firm progress. Decentralisation has developed rapidly and the systems for managing its consequences need to catch up, in a context where there are relatively few institutions that encompass the whole of the country (the judicial system is one notable exception). The central state often cannot impose, but must co-operate with and encourage the ACs. This provides a challenge to the roll out of Better Regulation across levels of government. The unfinished decentralisation process has also meant difficulties in effective management of the regulatory cascade, and the regulatory inflation which has inevitably accompanied the devolution of competences. For progress to be made the approach needs to be firm and bold. The OECD peer review team considered that the disconnection between the central level and what happens at the sub national level is still significant.

Decentralisation also, however, provides opportunities which need to be exploited. The potential advantages include the scope for friendly competition in the development of good Better Regulation practices, which has not yet been fully exploited.

Recommendation 1.1. Continue to build on the political commitment and initiatives to promote Better Regulation and why it is important for the recovery of the economy and social welfare. Encourage further debate and the dissemination of information on this issue. Review how the Better Regulation strategy is packaged to avoid the impression that it is only focussed on administrative burdens, as the current name implies. Continue with the central government leadership initiatives to stimulate a closer relationship and co-operation between central government and the Autonomous Communities, and ensure that the initiatives are monitored for their effectiveness.

Box 1.1. Recommendation from the 2000 OECD report

Adopt at the political level, a broad policy on regulatory reform that establishes clear objectives, accountability principles, and frameworks for implementation

The 1997 reforms created an implicit policy that is closer to international best practice. Yet this policy will have limited success until it becomes explicit. An explicit policy adopted at the highest levels of government should be based on principles of good regulation such as those in the 1997 OECD Report to Ministers on Regulatory Reform. Such a policy could integrate the various reform efforts now underway, and establish a uniform set of quality standards. Significant gaps remain in defining the dimensions of regulatory quality, such as the principle that regulations shall be adopted only if costs are justified by benefits. Competition principles should be strengthened in the overall policy framework. For the success of the policy, political accountability and targets should be clarified, with a clear relationship with competition policy, market openness, and public management reform.

Background comments

Carrying out current policies, as well as launching new policies, requires more effective capacities for implementation. A disconnect exists between the relatively well-developed policies based on deregulation and competition, and the government's less-well-developed capacities to produce the high quality regulatory regimes that are needed. The direction of change, though, is positive. The 1997 reforms to the Government Law moved Spain in the right direction toward more transparent and less discretionary regulatory practices. Today, the Spanish administration has a clear mandate to use regulation more carefully. Regulatory transparency is much better. The government has also recently strengthened administrative simplification policy, which should permit a reduction of the burdensome formalities that are strangling entrepreneurs throughout the economy. New institutions to manage regulations and construct sectoral regulatory regimes are promising.

But these initiatives are not sufficient to change regulatory practices of the administration as quickly or deeply as current policies require. Much change has been achieved in economic deregulation, but the quality of social regulations has not been systematically enhanced. Regulatory impact analysis is not yet a useful tool for good decision-making, and there is considerable resistance inside the administration. Reducing administrative burdens, too, poses unmet challenges. The meager results of the previous simplification policy argue for bolder and more robust approaches. New and worrisome problems are emerging. Co-ordination of regulatory policies and reform between levels of government is improving, but inefficiencies from regulatory layering seem to be large and perhaps growing. Overall, legal security may be declining in Spain. Problems with regulatory compliance may be larger than suspected. Innovation and use of other policy instruments such as economic incentives are rare, and the focus on procedures rather than results will slow the introduction of new methods.

Spain's regulatory reform programme has concentrated on economic regulations. Market openness, deregulation, privatisation, and liberalisation reforms of product, capital, and labour markets have shown positive results. Administrative regulations have also been a focus of reform, though results are not yet apparent. Little consideration has been given to improving the quality of social regulations,

although international estimates suggest social regulations impose costs 3-4 times higher than do economic regulations and that administrative regulations have a disproportionate impact on SMEs.

Remedying six weaknesses would be particularly beneficial:

- **Spain's 1997 policy on regulatory improvement does not provide a clear policy framework for reform.** A strong and articulated commitment is needed if a complex, government-wide, and multi-annual policy is to successfully achieve its ambition.
- **Reform institutions find it difficult to carry out administration-wide reforms.** Difficulties encountered in past reforms indicate that strong opposition to change will slow attempts to strengthen disciplines on regulatory quality. A more rationalised and centralised structure might be needed. The number and the duplication of competencies of inter-ministerial commissions, plans and diverse programmes erode the impact of the regulatory reform policy.
- **The regulatory process leaves excessive discretion to regulators.** Without explicit parameters, mandatory elements of quality control could become mere formalities, not useful to decision-making. The evaluation questionnaire in particular has not achieved its potential because it is not mandatory, it is implemented too late in the process, and it is not made public. Public consultation, too, would be more useful if there were clearer rules about who is consulted, when, and what material is shared. Ministerial orders, which often contain costly requirements, avoid the scrutiny and consultation controls altogether.
- **Transparency has improved significantly across the government.** Yet the Spanish system still falls short of best OECD practices. The consultation process is unsystematic. It is vulnerable to manipulation by ministries and capture by interest groups. The proliferation of regulations at multiple levels adds to the opacity of the legal and regulatory environment, makes it difficult for administrations to enforce the rules, and fosters a propensity for non-compliance by citizens and firms.
- **Administrative simplification policy and competition policy** should be more closely integrated with the policy to improve the quality of new regulations. It is more efficient to redress anti-competitive effects and paperwork burdens before regulations are adopted than trying to repair the damage once the regulations and administrative frameworks are in place.
- **Government actions rely on an excessively legalistic approach as the standard for quality.** A clear preference for legal details and technicalities is still pervasive in the preparation or application of regulations. This modus operandi is not yet balanced with an efficiency test. Lack of attention to cost-effectiveness and benefit-cost ratios is one reason for the undue reliance on control and command regulations instead of market-based or other approaches.

Communication on Better Regulation strategy and policies

As there is, as yet, no clear strategy on Better Regulation, communication is weak. Without a clear strategy, no clear communication is possible and none was evident. There is significant communication on e-Government initiatives, but not much beyond this. This affects not only external stakeholders who might wish to “buy in” to Better Regulation if they knew about it, but also the different levels of government, and of course ministries. The OECD peer review team heard from a wide range of stakeholders inside and outside government that communication is not strong, and the full picture of what is being done, and by whom, is not clear. There is no significant academic debate on Better Regulation (the focus is more on public policy), which could contribute to raising the profile of Better Regulation. It appears, however, that communication has recently improved, both between ministries through implementation of the burden reduction programme, and between levels of government.

Ex post evaluation of Better Regulation strategy and policies

There is a need to plan systematic and objective evaluations of the main Better Regulation policies and programmes. As matters stand the system is self referential, with no clear accountability mechanism (audit office or through the parliament, for example). Evaluation helps to raise standards, awareness and consistency, sustain momentum, and also to pinpoint what is working well and less well. With the change in status of AEVAL, it is not clear which institution could perform this function.

E-Government in support of Better Regulation

As in some other countries, e-Government is a driver to unlock blockages and introduce change. There is a strong interest in, and support for, the development of e-Government in general. E-Government rests on apparently well rooted and wide ranging policies and programmes, within a strong legal framework. The emphasis is explicitly on improving the transparency, efficiency and quality of the assistance and services provided to citizens and businesses. Online public services have been significantly developed in the recent past. There is extensive use of e-Government to implement the Action Plan on administrative burdens. It was beyond the scope of this review to test the depth of engagement and practical outcomes, however. It is important that the rights established in the 2007 law on citizen access to the administration are translated into concrete realities. Implementation is well advanced, according to the government at the national level. It is also important that the law is implemented at the regional and, especially, local government tiers.

Background

Economic context and drivers of Better Regulation

Since the return to democracy, Spain has enjoyed one of Europe's highest economic growth rates, and developed into the world's 12th largest economy. The Spanish government has implemented a wide range of economic and structural reforms over the last three decades, focusing on deregulation and liberalisation, which has reduced the role of government in the market. These reforms helped the economy to grow steadily at around 3% p.a. The situation changed dramatically in the wake of the global financial crisis. Spain was one of the European countries most affected by the crisis. In 2009, GDP dropped by 3.6%, reversing the healthy pattern experienced between 1994 and 2008. Unemployment is now a major concern, and is expected to peak at nearly 20% in 2010. Actions are needed to tackle labour markets (notably its dual structure of protected and precarious contracts), the fiscal challenge of reducing the large government deficit, the housing market, as well as further structural reforms to develop new sources of growth after the collapse of the housing construction sector. There are underlying issues of weak productivity growth. Although per capita income differences between regions have diminished over the last decades, some areas of Spain remain very poor, especially in the south.

The adoption of the Spanish National Reform Programme in 2005, in fulfilment of the European Lisbon Agenda, provided a focus to work in further support of ensuing effective competition in the goods and services markets; improving and provide greater transparency in sectoral regulation; increasing efficiency and modernising the public administration; and improving the commercial balance, by increasing the competitiveness of companies. This framework applies both to the central and subnational levels of government.

Spain has generally based its Better Regulation agenda on the EU Better Regulation policy. A key driver of Better Regulation over the last few years has thus been the EU. Spain is conscious of a lag in adopting European best practices. This has helped to move Better Regulation further up the government's agenda, as evidenced in recent major initiatives to strengthen programmes for the reduction of administrative burdens on business and the reinforcement of impact assessment for new regulations, as well as actions taken in the regions to strengthen regulatory management. In some areas Spain has set

ambitious targets which go beyond international standards (notably the 30% reduction target for administrative burdens, for all levels of government).

Internal drivers are weaker. The economic focus remains relatively muted, and many Better Regulation policies are aimed more broadly at citizens and users of the public administration, although this is partly driven by an understanding that an efficient public administration will contribute to competitiveness. The Ministry of the Presidency is conscious that the crisis should encourage a greater economic awareness of the cost of regulations, especially for SMEs (which account for an especially high proportion of business activity in Spain), and this positive view of Better Regulation is shared by officials in core ministries. However, despite strong engagement of the business organisations in the burden reduction programmes, the business voice for change is not as strong as in some other European countries. At the political level, the idea that Better Regulation can provide real support for economic recovery needs further reinforcement. Some high-level government declarations that cite Better Regulation as an important aspect of effective economic reform have started to emerge. More are needed. There does not appear to be any significant debate or studies by academics regarding Better Regulation and the links with growth and productivity.

As in several other European countries, e-Government has expanded significantly within the public administration, especially in the national government where nearly 90% of all administrative procedures (equivalent to 98% of case handled) have a fully implemented online version (see Figure 1.1), and in so doing has helped to support aspects of Better Regulation. One clear internal driver is a growing awareness that the government needs to tackle legal complexity, including the complexity arising from decentralisation and the distribution of legislative and administrative competences between levels of government. Overall, however, a sustained commitment to Better Regulation remains fragile and uneven across the administrative and political class.

Public governance context for Better Regulation

Spain has undergone profound transformations over the last two three decades. Part of this has been the result of accession to the European Union in 1985, which modified the regulatory context and affected legal traditions (as it has done in other EU member states). There have also been major changes from within:

- **Decentralisation.** A process of devolution of powers and competences has transformed Spain into a country with a high-level of decentralisation (see also Box 2.2). The process is ongoing. Devolution has progressed through a succession of stages which started with the approval of a new Constitution in 1978, and were reinforced by decisions of the Constitutional court. The speed and scope of decentralisation has varied, but today all 17 autonomous communities have developed a strong sense of regional and political identity, and they are effectively autonomous in their areas of acquired competence in the framework of the Constitution. Each has established its institutions, administration, and legal and regulatory frameworks. The issue of regional parliamentary representation is being addressed, via debate on the reform of the Senate in relation to its territorial representation.
- **Developments in the public administration.** The public administration has undergone a profound remodelling to fit the new context of democracy and decentralisation.¹ Significant efforts have been engaged by the government since the early 1980s to improve the efficiency of its public sector through professionalisation of the civil service, organisational restructuring, legal rationalisation, and privatisation. There is some way to yet. The corporatist legacy and legal traditions also stand in the way of a more modern approach, especially in terms of improving transparency. Change seems to be slow.² Corporatist and legal traditions stand in the way of a more modern approach, especially in

terms of improving transparency and instilling a more economically aware perspective into the rule-making process. It is generally accepted that the judicial system is also in need of modernisation. However, there is consciousness that the quality and efficiency of the public administration is important for competitiveness, of the need for change and the importance of broader (economic as well as social) perspectives. Public governance modernisation remains a major focus of government policy, and e-Government is being deployed to good effect to encourage change.

Decentralisation and public administration modernisation remain key areas of further change and development and adjustment. More recently and specifically, a major restructuring of the State executive took place in April 2009.³ The aim was to streamline the structure and make it more effective,⁴ with a view to accelerating implementation of the so-called Plan E (*Plan de Estimulo de la Economia y del Empleo*)⁵ launched to counter the economic crisis. Further to these changes, the Prime Minister is now supported by a third Vice-President. The creation of a new Vice-Presidency -the Ministry for Territorial Policy - reflects a decision to structure government action along three main lines: to recover from the economic crisis and create new jobs; to carry out reforms to bring Spain into the 21st century; and to strengthen social and territorial cohesion.⁶ To raise the profile of territorial policy, the Ministry of the Presidency has taken over the public governance functions (*Función Pública*) of the former Ministry of Public Administration.

Main developments in the Spanish Better Regulation agenda

Spain is a relative late comer to the Better Regulation, starting in the late 1990s with programmes for administrative simplification. Since then, the momentum has grown and a broader range of issues has gradually been tackled, including impact assessment. The different levels of government are now aware of the principles of Better Regulation, and have started to integrate a broadening agenda with a longstanding tradition of administrative simplification.

Table 1.1. Milestones in the development of Better Regulation policies in Spain

1999	Administrative Simplification Plan (led by the Inter-ministerial Commission for Simplification).
2002	Administrative Simplification Plan.
2003	Administrative Simplification Plan.
2004	Administrative Simplification Plan.
2005	National Reform Plan following the 2005 Lisbon Strategy setting overall objectives for reform, within which Better Regulation initiatives have been developed.
2008	<ul style="list-style-type: none"> – Action Plan for the Reduction of Administrative Burdens. – Two Council of Ministers Agreements on fast track actions to reduce administrative burdens. – Covenant with the Autonomous Community of Cantabria.
2009	<ul style="list-style-type: none"> – Further Council of Ministers Agreements on fast track actions to reduce administrative burdens. – Covenant with the FEMP. – Covenant with the High Council of Chambers of Commerce, Industry and

	<p>Navigation, and the Spanish Confederation of Enterprises and SMEs (CEOE-CEPYME).</p> <ul style="list-style-type: none"> – Agreement with the ACs and the municipalities on a common method for SCM implementation. – Royal Decree and Guidelines on RIA, setting up an integrated and mandatory core for <i>ex ante</i> impact assessments. – (2010) Finalisation of the measurement of the more than 300 information obligations from the six priority areas included in the Action Plan. – (2010) Renewal of the Covenants with the High Council of Chambers of Commerce, Industry and Navigation, and the Spanish Confederation of Enterprises and SMEs (CEOE-CEPYME).
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Guiding principles for the current Better Regulation policy agenda

There is no integrated Better Regulation strategy document as such, as exists in a growing number of other European countries. The government's objective is to promote three perspectives in its Better Regulation agenda:

- a broader approach on administrative burdens, including citizens as well as businesses;
- a closer focus on the subnational levels of administration which are closer to citizens and businesses, especially SMEs; and
- a stronger use of impact assessments to help decision makers.

Main Better Regulation policies

The main policies reflect the government's objectives:

- **Impact assessment.** An improved impact assessment process has recently been put into place, fleshing the commitment in principle of the 1997 government Law. The main objective is to make an integrated memorandum of analysis of regulatory impact mandatory for the central administration. What before were three distinctive elements of the "regulatory dossier" are now mandatory integral parts of a single document.
- **Administrative burden reduction.** Since 2007, the government has reinforced its policies to reduce administrative burdens. The aim is to revitalise Spanish business and boost Spain's international competitiveness. The strategy is mostly aimed at business burdens though there is a small part for citizen burdens. The overall objective is to reduce administrative burdens on companies derived from Spanish regulations by 30% by 2012.
- **Collaboration with the Autonomous Communities and municipalities.** This takes a number of forms such as plenary sessions and specific working group meetings regarding methodological aspects of burden measurement, life events, judicial aspects and uses a range of approaches including conference and videoconferences. A flagship initiative is the establishment of the programme on administrative burden reduction which in principle at least covers regulations at all levels of government.

- **Other aspects of regulatory policy should be noted.** Efforts are being made to address challenging issues concerning legal access, clarity and security. The EU dimension of regulatory policy has also been developed and Spain's transposition record is one of the best.

Communication on the Better Regulation agenda

Communication is currently confined to some aspects of the Better Regulation agenda, notably e-Government initiatives as well as the administrative burden reduction programme. Beyond this, there is little evident, and the OECD peer review team found awareness of Better Regulation initiatives low.

The public is informed via Internet of administrative simplification and the reduction of administrative burdens. Mainly, the government has launched initiatives to publicise and diffuse e-Government programmes and know-how. In October 2008, the Spanish Minister for Industry, Tourism and Trade and the Minister for Public Administrations launched a training programme named "Tele-centres training and revitalisation plan", aimed at promoting the use of e-Government services by the citizens of some 1 500 rural areas of Spain, so as to break the digital divide.⁷ In parallel, the Ministry of Public Administration launched the *060.Seek and Find* advertisement campaign, with the aim of making the e-Government portal⁸ known to the public. The campaign was mainly run via the Internet, with radio and press support.

Ex post evaluation of Better Regulation strategy and policies

Unusually compared with other European countries which do not have such an institution, *ex post* evaluation is potentially already institutionalised, via AEVAL (the agency for evaluation of public policies). AEVAL picks up broad public policy issues as well as Better Regulation specific processes (impact assessment and burden reduction). However, recent institutional changes have changed the role of AEVAL, integrated it more firmly into the Presidency ministry, and moved it away from a potential role to evaluate Better Regulation from a distance. So far, no structured and integrated *ex post* evaluation of regulatory policies has been carried out.⁹ There are, however, plans for an annual monitoring of impact assessment policy (but not of the Action Plan for the Reduction of Administrative Burdens).

E-Government in support of Better Regulation

Spain has made considerable efforts to apply ICT and e-Government to promote the information society and modernise its public administration (see also Annex A). There are well rooted and wide ranging programmes and policies in place, based on a strong legal framework. This is encouraging change, including not least closer co-operation between the Autonomous Communities and the central State.

As in many other European countries, e-Government has expanded significantly within the public administration, especially in the national government where nearly 90% of all administrative procedures (equivalent to 98% of case handled) have a fully implemented online version (see Annex A), and in so doing has helped to support aspects of Better Regulation. One clear internal driver is a growing awareness that the government needs to tackle legal complexity, including the complexity arising from decentralisation and the distribution of legislative and administrative competences between levels of government. Overall, however, a sustained commitment to Better Regulation remains fragile and uneven across the administrative and political class. Institutions to support the further development of e-Government have been deployed.

The 2007 Law on Electronic Access to Public Services for Citizens (which also covers companies) is a major and fundamental milestone.¹⁰ It establishes rights and obligations that are essential for a functioning e-Government. These, however, are abstract and general rights and obligations. In November 2009, the Law was implemented (at least as regards the AGE) via a Royal Decree. Implementation also includes a strategic plan. The OECD peer review team was not able to go into depth on this issue, and was not therefore able to judge the real effect of the Law and recently adopted Royal Decree in practice. What

progress has been made on the ground, and how far are the rights prescribed by legislation now effective in practice? These are especially relevant questions in the Spanish context where the gap between the legal framework and reality can be wide. However, some external studies show progress in closing this gap.¹¹

The national e-Government strategy is closely intertwined with the public sector modernisation agenda. It consists of the following programmes:

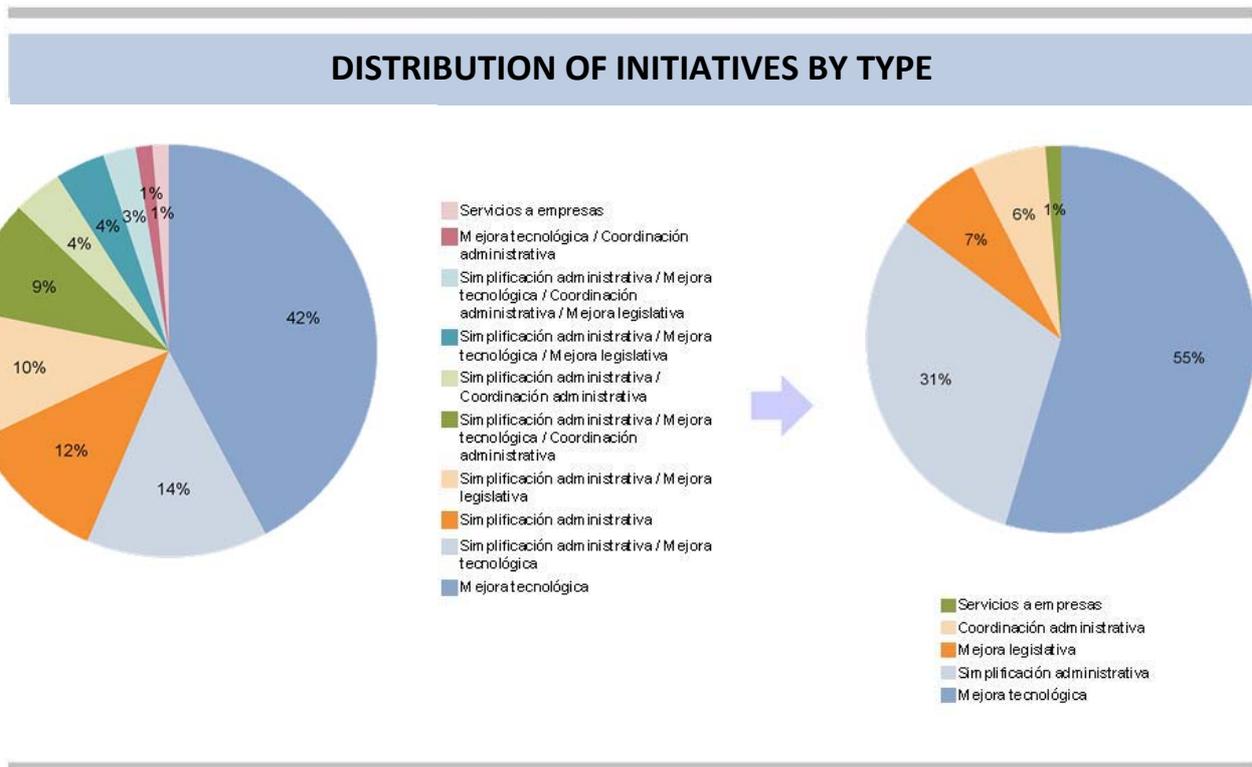
- *The Action Plan for Compliance with the Law on Citizens' Electronic Access to Public Services*, complementing Law 11/2007, led by the Ministry of the Presidency, with the objective of developing services of the central government (*administracion general del estado*) so that they are available electronically.
- *The Reduction of Administrative Barriers*, led by the Ministry of the Presidency, which aims at reducing the obligations of information/procedures that businesses must transact.
- *eModel*, led by the Ministry of the Presidency, seeking the modernisation of local governments, the simplification of procedures and the improvement of the provision of public services.

Approved by the Council of Ministers on 4 November 2005, *Plan Avanza* is Spain's national strategy for the promotion of the information society. It seeks to deploy ICT and e-Government more fully and effectively in support of economic competitiveness and productivity, social and regional equality, quality of life for citizens and modernisation of the public administration. In 2010, the Plan entered its second phase, *Avanza 2*, which will be active until 2015. Achieving a more efficient public administration through the promotion of innovative processes is one of the aims of the renewed Spanish information society strategy.¹²

The direct link with Better Regulation policies is made especially through the reduction of administrative burden programme. Extensive use is being made of e-Government. Most of the fast-track measures use ICT or the introduction of online services (see Figure 1.1 below). The initiatives are institutionally separate (although both are part of the Presidency ministry). Public consultation may also use ICT.

Figure 1.1. Breakdown of Better Regulation initiatives by type

INICIATIVAS ANALIZADAS (Analysed initiatives)



Source: Ministry of the Presidency.

Notes

1. Law 50/1997 Ley del Gobierno was an important step in efforts to modernise political and administrative processes in the central administration. The law sets general good practice requirements on ministries for the development of regulations (including on impact assessment and public consultation). The Spanish Administrative Procedure Law of 1958 has been reformed twice in order to increase accountability and transparency across the administration. It modernised decision-making and the functioning of the State.
2. As one interlocutor put it to the OECD peer review team, Spanish society has changed but the modernisation of the public administration has not kept up. Another

- interviewee put it that “Spaniards are masters in producing laws and then ignore them...”.
3. See: Royal Decree 542 of 7 April 2009.
 4. See: www.la-moncloa.es/ActualidadHome/2009/220409Congreso.htm (last accessed 10 August 2009).
 5. See: www.plane.gob.es.
 6. See: www.la-moncloa.es/ActualidadHome/2009/070409CambioGob.htm (last accessed 10 August 2009).
 7. See: www.red.es/articles/detail.action?id=2559.
 8. See: www.060.es.
 9. In 2007, a working group was set up under the aegis of INAP to assess the public administration has coped with the changes in Spanish society over the past decades. The working group was supposed also to make recommendations in terms of Better Regulation, not least in the light of OECD and international experience. However, the working group report was not finalised and published, and it has not been used for structuring the current reform programme.
 10. The implementation of the Law 11/2007 has also a strategic plan: www.060.es/guia_del_estado/como_trabaja_la_administracion/administracion_electronica/LAECSP_11_2007/plan_estrategico-ides-idweb.html and a tactical plan: www.060.es/guia_del_estado/como_trabaja_la_administracion/administracion_electronica/LAECSP_11_2007/common/Plan_de_Actuacion.pdf which could be worth considering.
 11. Chapter 9 of the study eEspana2010, completed by Cap Gemeni on behalf of Orange, shows a steady progress on the implementation of the law in the Regional Governments and a nearly full implementation of the law in the national government. www.informeeespana.ed/docs/eE2010.pdf.
 12. Plan Avanza 2 is available at: www.planavanza.es/InformacionGeneral/Estrategia2011/Documents/Estrategia_2011-2015_PA2.pdf. The measures foreseen are described in the annex: www.planavanza.es/InformacionGeneral/Estrategia2011/Documents/Anexos%20Estrategia_2011-2015_PA2.pdf.