

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.

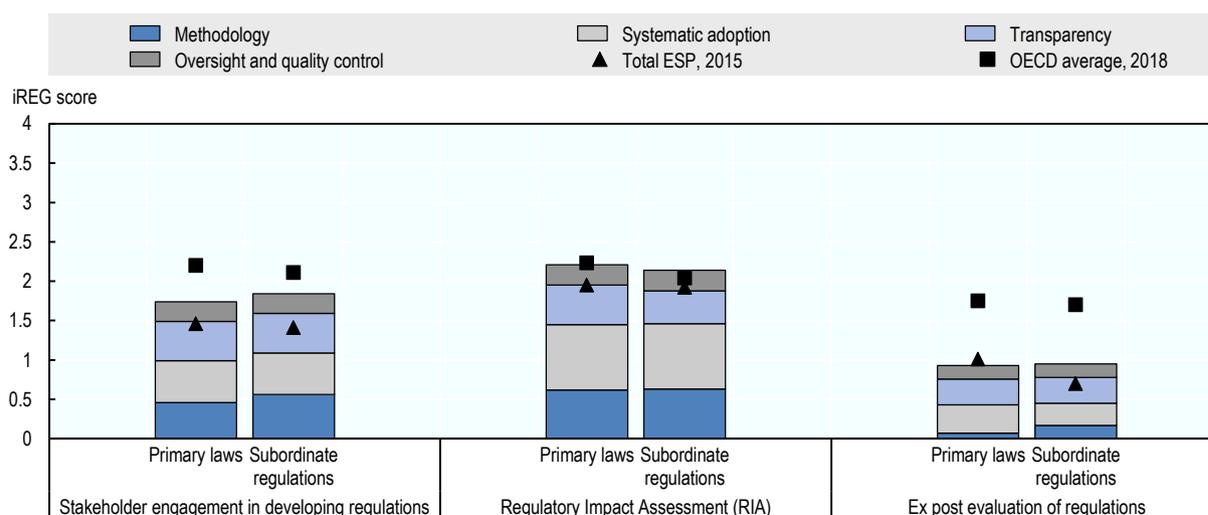
RIAs are required for all regulations in Spain. New evaluation procedures were issued in October 2017, introducing additional requirements to systematically consider impacts of regulatory drafts on competition and on small and medium sized enterprises, as well as new thresholds for the conduct of *ex 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).

Source: Indicators of Regulatory Policy and Governance Surveys 2014 and 2017, <http://oe.cd/ireg>.

StatLink <https://doi.org/10.1787/888933815604>

Location of regulatory oversight functions: Spain

Regulatory oversight functions		Centre of government	Ministry of Finance, Economy or Treasury	Ministry of Justice	Other ministries	Non-departmental body	Parliament	Office of the Attorney General	Supreme audit institution	Part of the judiciary
Quality control of...	RIA	●	●			●				
	Stakeholder engagement	●				●				
	Ex post evaluation	●								
Identifying policy areas where regulation can be made more effective					●					
Systematic improvement of regulatory policy			●			●				
Co-ordination of regulatory policy			●							
Guidance, advice and support			●							
Scrutiny of legal quality		●				●				

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.

Source: Survey questions on regulatory oversight bodies, Indicators of Regulatory Policy and Governance Survey 2017, <http://oe.cd/ireg>.