

INTEGRITY WATCH 3.0

REGULATORY FRAMEWORK TI SPAIN

Regulatory framework 1		
Integrity Watch dataset	Exact regulatory reference: the law, by-law or rule that applies to the data at hand	Link to regulatory text (please hyperlink)
IW Spain- Deputies declarations of assets and incomes	- Art. 157 -160 Ley Orgánica 5/1985, de 19 de junio, del Régimen Electoral General and Ley Orgánica 7/2011, de 15 de julio, de modificación del artículo 160 la Ley Orgánica 5/1985 - Art. 18- 20 Reglamento del Congreso de los Diputados - Acuerdo de las Mesas del Congreso de los Diputados y del Senado, de 21 de diciembre de 2009, por el que se aprueban normas en materia de registro de intereses, y Acuerdo de las Mesas del Congreso de los Diputados y del Senado, de 19 de julio de 2011, de modificación del acuerdo de 21 de diciembre de 2009, por el que se aprueban Normas en materia de Registro de Intereses para dar cumplimiento a lo establecido en la reforma del artículo 160.2 de la LOREG - Código de Conducta de las Cortes Generales (Acuerdo de las Mesas del Congreso de los Diputados y del Senado, de 1 de octubre de 2020): https://www.congreso.es/es/cem/01102020-codconductaCCGG	Link
Best practice (s): - In October 2020, both chambers (deputies and senators) approved a common code of conduct (before that, senators did not have a code of conduct, only deputies did), with common obligations, which served to unify criteria. Although this internal regulation is applicable to both chambers, there are still deficits and shortcomings in its implementation. - The Conflicts of Interest Office began to publish an annual report on compliance with the Code of Conduct (following the approval of a common Code of Conduct and in accordance with Article 8.3 of the Code of Conduct of the Cortes Generales), which monitors the degree of compliance with these obligations. See the latest Report of the Conflicts of Interest Office here: https://www.congreso.es/public_oficiales/L14/CORT/BOCG/A/BOCG-14-CG-A-264.PDF Shortcoming (s): - The declarations of assets and income of deputies continue to be published in non-open format (PDF of image scanned), which makes it difficult to access the data, work with the information, analyse it and cross-reference data. This requires downloading the declarations manually one by one and transcribing the data in another document to work with the data. - It continues to be difficult to control and monitor compliance with the obligations and the information declared, and the non-open format of publicity of the form makes this task even more difficult. Also, nor does anyone check the veracity of the information. - In many cases the information is incomplete or inaccurate. - Lack of detailed guidelines for filling out the form, leaving it to the good faith and good judgement of each parliamentarian on how to make the declaration. - Heterogeneity in the information provided by parliamentarians, which makes comparability and interoperability impossible. Overall assessment (one / two sentences max.) Although the publication of asset and income declarations is an obligation arising from the regulations, and although in the case of senators it is established that it is a precondition for acquiring the status of senator, while in the case of deputies this is not required, no sanction is foreseen in case of non-compliance. This means that there are still major deficits in the implementation of this regulation, and in the way in which the information is published and the control and monitoring measures that are carried out.		

Regulatory framework 2		
Integrity Watch section (if applicable)	Exact regulatory reference: the law, by-law or rule that applies to the data at hand	Link to text (please hyperlink)

IW Spain- Senators' declarations of assets and incomes	• Art. 157 -160 Ley Orgánica 5/1985, de 19 de junio, del Régimen Electoral General and Ley Orgánica 7/2011, de 15 de julio, de modificación del artículo 160 la Ley Orgánica 5/1985 • Art. 16, 17 y 26 Reglamento del Senado (https://www.boe.es/buscar/pdf/1994/BOE-A-1994-10830-consolidado.pdf) • Acuerdo de las Mesas del Congreso de los Diputados y del Senado, de 21 de diciembre de 2009, por el que se aprueban normas en materia de registro de intereses, y Acuerdo de las Mesas del Congreso de los Diputados y del Senado, de 19 de julio de 2011, de modificación del acuerdo de 21 de diciembre de 2009, por el que se aprueban Normas en materia de Registro de Intereses para dar cumplimiento a lo establecido en la reforma del artículo 160.2 de la LOREG • Código de Conducta de las Cortes Generales (Acuerdo de las Mesas del Congreso de los Diputados y del Senado, de 1 de octubre de 2020): https://www.senado.es/web/composicionorganizacion/senadores/codigodeConducta/index.html	Link
• Best practice (s): 1. In October 2020, both chambers (deputies and senators) approved a common code of conduct, with common obligations, which served to unify criteria. Although this internal regulation is applicable to both chambers, there are still deficits and shortcomings in its implementation. 2. The Conflicts of Interest Office began to publish an annual report on compliance with the Code of Conduct (following the approval of a common Code of Conduct and in accordance with Article 8.3 of the Code of Conduct of the Cortes Generales), which monitors the degree of compliance with these obligations. See the latest Report of the Conflicts of Interest Office here: https://www.congreso.es/public_oficiales/L14/CORT/BOCG/A/BOCG-14-CG-A-264.PDF • Shortcoming (s): 1. The Senate publishes the declarations in electronically completed PDF with electronic signature. Although this makes it easier to work with the data than in the case of deputies since the information can be extracted through scrapping programs, it should be noted that it is still a non-open format and the Senate's web page does not allow downloading all the declarations together, which makes it difficult to analyse it and cross-reference data. 2. It continues to be difficult to control and monitor compliance with the obligations and the information declared. 3. In many cases the information is incomplete or inaccurate. 4. Lack of detailed guidelines for filling out the form, leaving it to the good faith and good judgement of each parliamentarian on how to make the declaration. 5. Heterogeneity in the information provided by parliamentarians, which makes comparability and interoperability impossible. • Overall assessment (one / two sentences max.) Although the publication of asset and income declarations is an obligation arising from the regulations, and although in the case of senators it is established that it is a precondition for acquiring the status of senator, while in the case of deputies this is not required, no sanction is foreseen in case of non-compliance. This means that there are still major deficits in the implementation of this regulation, and in the way in which the information is published and the control and monitoring measures that are carried out.		

Regulatory framework 3		
Integrity Watch section (if applicable)	Exact regulatory reference: the law, by-law or rule that applies to the data at hand	Link to text (please hyperlink)
IW Spain- Deputies' declarations of economic interests	• Art. 157 -160 Ley Orgánica 5/1985, de 19 de junio, del Régimen Electoral General and Ley Orgánica 7/2011, de 15 de julio, de modificación del artículo 160 la Ley Orgánica 5/1985 • Art. 18- 20 Reglamento del Congreso de los Diputados • Acuerdo de las Mesas del Congreso de los Diputados y del Senado, de 21 de diciembre de 2009, por el que se aprueban normas en materia de registro de intereses, y Acuerdo	Link

	de las Mesas del Congreso de los Diputados y del Senado, de 19 de julio de 2011, de modificación del acuerdo de 21 de diciembre de 2009, por el que se aprueban Normas en materia de Registro de Intereses para dar cumplimiento a lo establecido en la reforma del artículo 160.2 de la LOREG Código de Conducta de las Cortes Generales (Acuerdo de las Mesas del Congreso de los Diputados y del Senado, de 1 de octubre de 2020): https://www.congreso.es/es/cem/01102020-codconductaCCGG	
Best practice (s): - In October 2020, both chambers (deputies and senators) approved a common code of conduct, with common obligations, which served to unify criteria, since previously each chamber applied its own regulations, so the publication of declarations of assets and income was done in a non-homogeneous manner. Although this internal regulation is applicable to both chambers, there are still deficits and shortcomings in its implementation. - The Conflicts of Interest Office began to publish an annual report on compliance with the Code of Conduct (following the approval of a common Code of Conduct and in accordance with Article 8.3 of the Code of Conduct of the Cortes Generales), which monitors the degree of compliance with these obligations. See the latest Report of the Conflicts of Interest Office here: https://www.congreso.es/public_oficiales/L14/CORT/BOCG/A/BOCG-14-CG-A-264.PDF Shortcoming (s): - It continues to be difficult to control and monitor compliance with the obligations and the information declared. - In many cases the information is incomplete or inaccurate. - Lack of detailed guidelines for filling out the form, leaving it to the good faith and good judgement of each parliamentarian on how to make the declaration. - No differentiation between past and current activities in the form, but they are declared in the same section. Overall assessment (one / two sentences max.) Although the publication of the declarations of economic interest is an obligation arising from the regulations, it is a soft-law obligation, and no sanction is foreseen in case of non-compliance. This means that there are still major deficits in the implementation of this regulation, and in the way in which the information is published and the control and monitoring measures that are carried out.		

Regulatory framework 4		
Integrity Watch section (if applicable)	Exact regulatory reference: the law, by-law or rule that applies to the data at hand	Link to text (please hyperlink)
IW Spain- Lobbying registries	- Comisión Nacional de Mercado de Valores. Registro de grupos de interés contemplado en el art. 37 de la Ley 3/2013, de 4 de junio, modificado por el art. 2.2 del Real Decreto-Ley 7/2021, de 27 de abril. Normativa disponible en línea en: https://www.boe.es/buscar/act.php?id=BOE-A-2013-5940#:~:text=Se%20crea%20la%20Comisi%C3%B3n%20Nacional,la%20Administraci%C3%B3n%20General%20del%20Estado. - Cataluña. Registro de grupo de interés regulado por los arts. 45 a 53 de la Ley 19/2014, de 29 de diciembre, del Parlamento de la C.A. de Cataluña, y por los arts. 220 a 225 del Reglamento del año 2018. Ambos documentos disponibles en línea en: https://www.parlament.cat/web/activitat-parlamentaria/lleis/index.html?p_id=153721895 y https://www.parlament.cat/document/cataleg/165484.pdf#page=135 - Valencia. Registro de grupo de interés contemplado en los arts. 5 a 11 de la Ley 25/2018, de 10 de diciembre, del Parlamento de la C.A. Valenciana y por los arts. 3 a 15 del Decreto 172/2021, de 15 de octubre. Ambos documentos disponibles en línea en: https://dogv.gva.es/datos/2018/12/13/pdf/2018_11612.pdf y https://dogv.gva.es/datos/2021/10/26/pdf/2021_10795.pdf - Castilla-La Mancha. Registro de los grupos de interés regulado por los arts. 44 a 47 de la Ley 4/2016, de 15 de diciembre, del Parlamento de la C.A. de Castilla-La Mancha, y por el Decreto 8/2018, de 20 de febrero. Ambos documentos disponibles en línea en: https://docm.jccm.es/portaldocm/descargarArchivo.do?ruta=2016/12/30/pdf/2016_14_090.pdf&tipo=rutaDocm y https://docm.jccm.es/portaldocm/descargarArchivo.do?ruta=2018/02/27/pdf/2018_23_13.pdf&tipo=rutaDocm	Link

	- Comunidad de Madrid. Registro de transparencia regulado por los arts. 65 a 71 de la Ley 10/2019, del Parlamento de la C.A. de Madrid. Normativa disponible en línea en: http://www.madrid.org/wleg_pub/secure/normativas/listadoNormativas.jsf#no-back-button - Ayuntamiento de Madrid. Registro de lobbies contemplado en los arts. 34 a 39 de la Ordenanza de Transparencia de la Ciudad de Madrid, de 27 de julio de 2016. Normativa disponible en línea en: https://sede.madrid.es/FrameWork/generacionPDF/ANM2016_108.pdf?idNormativa=3eabe8e52c796510VgnVCM1000001d4a900aRCRD&nombreFichero=ANM2016_108&cacheKey=191	
Best practice (s): - These autonomous communities that took their first steps in creating a registry of lobbies at the regional level (or local in the case of the Madrid City Council), did not have a national regulatory framework and yet they decided to regulate it in their regional/local regulations, which constitutes progress in the matter. - Except for the information that arises from the lobby registry of the National Securities Market Commission (CNMV), the rest of the information from the other lobby registries is in open formats (Catalonia: XML; Generalitat Valenciana: CSV; Castilla-La Mancha: CSV; Community of Madrid: JSON and CSV, etc) - Most of these lobbying records include the publication of financial information (although in the case of Castilla La Mancha this financial information is in PDF format) Shortcoming (s): - In the case of the registry of lobbies of the National Securities Market Commission (CNMV), the information is published on the web, but it is not downloadable, which makes access to it difficult. - Heterogeneity in certain categories of data. It is necessary to carry out a preclassification to unify the categories 'type of entities', since in each registry this category differs, and this makes it difficult to work with this information. The same happens with the category 'fields of interest', it is necessary to group similar fields of interest thematically according to the different records - Information about the people hired by lobbies' groups is not usually included, which would be important to be able to cross-reference the names of people who may be known to work in an lobby' group but who are not reflected in the system, since they are often used the categories of 'responsible persons' or 'authorized persons' - Lack of uniform criteria to compare whether the information published in the different lobbying registries by the same lobbyist is consistent or not (for example, budget) Overall assessment (one / two sentences max.) Although there is currently no single, centralized registry of lobbies at the national level - although there is a draft bill to regulate it - there are experiences of lobbies registries in Spain with useful information in some autonomous communities, local entities or at the sectoral level. However, there is disparity and heterogeneity in the information that is published by these entities and there are no uniform criteria or unique identifiers, which makes it difficult to have a complete picture of the current lobbying situation in Spain.		