

Spain

1. Fair	
Regulatory framework	<p><u>Executive</u> According to Law 3/2015, high ranking officials of the Executive Branch (including what the Spanish Constitution defines as "Gobierno", as well as other officials from the General Administration) are required to submit a declaration of assets and property rights ("<i>Registro de Bienes y Derechos Patrimoniales</i>") and a declaration of activities ("<i>Registro de Actividades</i>") (http://www.boe.es/boe/dias/2015/03/31/pdfs/BOE-A-2015-3444.pdf).</p> <p><u>Legislative</u> Members of both Congress of Deputies and Senate ("Congreso de los Diputados" and "Senado", as legislative power in Spain is given by Constitution to these two Chambers, jointly known as "<i>Cortes Generales</i>") are required to declare their activities ("<i>declaración de actividades</i>") as well as assets and income ("<i>declaración de bienes y rentas</i>") to the corresponding Interest Registry ("<i>Registro de Intereses</i>") of each Chamber. This was established by Law 5 of 1985 (Electoral Code: http://www.boe.es/buscar/pdf/1985/BOE-A-1985-11672-consolidado.pdf), together with the later amendments in 2007 and 2011, and the complementing regulations from 2009 and 2011 (2009: http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/NormRes/AcuCyS21122009 and 2011: http://www.congreso.es/public_oficiales/L9/CORT/BOCG/A/CG_A455.PDF). Declarations are also regulated by:</p> <ul style="list-style-type: none"> • Rules of Senate ("<i>Senado</i>"), particularly article 26 (http://www.boe.es/buscar/doc.php?id=BOE-A-1994-10830). • Rules of Congress of Deputies ("<i>Congreso de Diputados</i>"), particularly articles 18 to 20 (http://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Spain_Parliament%20Standing%20Order_1982%20amended%202009_es.pdf). • The Joint Resolution of the Bureaus of both Chambers, approved in December 2009 and amended in July 2011 (http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/NormRes/AcuCyS21122009 and http://www.congreso.es/public_oficiales/L9/CORT/BOCG/A/CG_A455.PDF)
Outreach to public officials about disclosure requirement	<p><u>Executive</u> The Conflict of Interest's Office (CIO – housed by the Treasury and Public Administration Ministry - "<i>Ministerio de Hacienda y Administraciones Públicas</i>") is in charge of providing the necessary information for all public officials to comply.</p> <p><u>Legislative</u> The Interest Registry from each Chamber is responsible for providing information to its members. The Registry of the Congress of Deputies has both forms (activities, and assets and income) available online, as well as the completed forms of each member in alphabetical order (http://www.congreso.es/portal/page/portal/Congreso/Congreso/Diputados/registro_intereses). The Registry from the Senate has the completed forms by the Senators on-line: (http://www.senado.es/web/composicionorganizacion/senadores/declaracionbienesactividades/index.html). The forms to the Senators are available on the Chamber's Intranet.</p>

<p>Type of information disclosed</p>	<p>Content of disclosure focuses on prevention of conflict of interest. Filers are required to declare the following:</p> <p><u>Executive</u></p> <ul style="list-style-type: none"> • All kind of assets and property rights ("<i>Declaración de Bienes y Derechos Patrimoniales</i>"), for example: real state, investments and shares in companies. Filers need, as well, to submit a copy of their personal income tax declaration and their property tax declaration upon taking and leaving office. A copy of the personal income tax declaration is also submitted annually while in office (article 17, Law 3/2015). • All kind of activities performed in the two years prior to taking public office ("<i>Declaración de Actividades</i>"). Filers also need to submit a copy of their last two personal income tax declarations (article 16, Law 3/2015). <p><u>Legislative</u></p> <ul style="list-style-type: none"> • All assets and income ("<i>Declaración de Bienes y Rentas</i>"): properties, salary and income, shares in companies, investments and liabilities, others (article 160, Law 5/1985; annex to the 2011 agreement between both Chambers). Members of Congress of Deputies and Senators must also state the total amount paid by Income Tax. • All activities performed by the Members of Parliament (MPs) which could give way to an incompatibility or that provide any sort of income (article 160, point 2, Law 5/1985).
<p>Other relevant information</p>	<p>Family members are not required to submit declarations. However, Law 3/2015 (which regulates Conflict of Interest for the members of the administration) defines "interest" including, for example, those of the spouse and/or minor children (article 11).</p> <p>Public officials (or their spouse, minor children or anyone who cohabits) that own 10% or more of shares in a company that contracts with the State or that gets State's subsidies, need to declare it as it might be a source of incompatibility. Public officials in the Executive Branch are also required to delegate the management of those shares to a third party while in office.</p>
<p>2. Transparent</p>	
<p>Public accessibility of disclosed information</p>	<p>Declarations are available in different websites depending on the type of public official:</p> <p><u>Executive</u></p> <p>According to Law 3/2015, the Registry of Activities ("<i>Registro de Actividades</i>") is public and accessible online to the citizens (article 21, point 2).</p> <p>The assets and property rights' declaration ("<i>Registro de Bienes y Derechos Patrimoniales</i>") should be made public in the Official Gazette ("<i>Boletín Oficial del Estado</i>", BOE). Data preserving the privacy and safety of filers, such as that allowing to locate assets, can be kept confidential (Law 3/2015, article 21, point 4).</p> <p><u>Legislative</u></p> <p>Senators or Members of Congress' disclosures are public and available online through the corresponding web pages (Law 7/2011):</p> <ul style="list-style-type: none"> • House of representatives: Interest Registry (it has both, activities and assets' declarations) http://www.congreso.es/portal/page/portal/Congreso/Congreso/Diputados/registro_intereses • Senate: Interest Registry (it has both, activities and assets' declarations) http://www.senado.es/web/composicionorganizacion/senadores/declaracionbienesactividades

	dades/index.html
Public access to information concerning disclosure system functioning	<p>Executive</p> <p>The CIO has to submit a report every six months to the Government (for it to submit it later to the House of Representatives), regarding the compliance of the public officials as well as the infringements committed and the sanctions applied. This report includes personal data of the public officials, the number of submitted declarations (and to whom they belong), the notifications performed in relation to those leaving the office, and the identification of those who did not comply with their obligation to declare (Law 3/2015, article 22, point 1).</p> <p>Some of these information will also be submitted for its publication on the Official Gazette (BOE). The report published by the BOE, consists on aggregate data (without any personal information) about the number of public officials required to declare, the number of declarations submitted, the number of notifications on leaving office, and the number of non-compliers.</p>
Other relevant information	<p>The declarations from the MPs are only accessible during their period in office. Afterwards, the information needs to be requested in person at the corresponding Registry.</p> <p>Law 19/2013 – on transparency, access to public information and good governance (“Ley transparency law, access to public information and good governance”) also provides for the publicity of the information disclosed by public officials of the Executive (article 8, point h). It says that all the information should be public except for the localization of the assets, in order to preserve the privacy and safety of filers.</p> <p>A reference should be made here to the Transparency Portal of the Government of Spain, pursuant to article 10 of the already mentioned Law 19/2013, on transparency, access to public information and good governance.</p> <p>Since December 10th 2014, the day on which the General State Administration Services became liable for the public exercise of the transparency obligations contained in the law (regional governments and local authorities have a year to adapt to the legislation), Spain has had a Transparency Portal located at: http://transparencia.gob.es where Spanish citizens can consult all the information that the General State Administration Services are legally required to release publicly. This Transparency Portal includes – <i>inter alia</i> - the CVs of senior civil servants (http://transparencia.gob.es/en/categoria/institucional/curriculos), in addition to information about their remuneration packages.</p> <p>Following this spirit, in accordance with article 8, points f) g) and h) of Law 19/2013, the Transparency Portal publishes data such as:</p> <ul style="list-style-type: none"> - annual salaries of senior officers and top heads of other entities falling under the discipline of this specific Law: http://transparencia.gob.es/en/categoria/economica/altoscargos/retribuciones - severance payments that are granted to these senior posts of the administration when leaving office: http://transparencia.gob.es/en/categoria/economica/altoscargos/indemnizaciones - Official Decisions authorizing the exercise of private functions after leaving office in the Central Administration: http://transparencia.gob.es/en/categoria/economica/altoscargos/autorizaciones - Official Decisions authorizing the exercise of private functions of public employees http://transparencia.gob.es/en/categoria/economica/eppcompatibilidades -
3. Targeted at senior leaders and those in at-risk positions	

Legislative	All Member of Congress and Senators are required to submit declarations.
Executive	<p>According to Law 3/2015 (article 1), all members of the Government (President, Vice-presidents and Ministers – Constitution, article 98) are required to declare as well as all High Ranking Officials (HRO) from the General Administration. The list of HRO includes, amongst others:</p> <ul style="list-style-type: none"> • State Secretaries; • Undersecretaries and assimilated; • Secretaries-General; • Government Delegates in the Autonomous Communities, Ceuta and Melilla; • Delegates from government entities of public law; • Heads of permanent diplomatic mission and heads of permanent representations to international organizations; • General Administration of the State’s Technical Secretaries, Directors and assimilated; • Presidents, Vice-Presidents, General Directors, Directors and assimilated who have the status of public sector heads , and belong to the State, Administrative, Foundational or Business sectors, linked or dependent on the General State Administration; • Presidents and Directors of state agencies and regulatory organisms (including for example, Port Authority, Economic and Social Council, National Commission of Markets and Competition, Council on Transparency and Good Governance, Fiscal Responsibility Independent Authority, National Securities Market Commission, and Nuclear Safety Council); and • Holders of any other position in the public sector, whatever their denomination, whose appointment is made by the Council of Ministers, except those that are considered and treated as Assistant General.
Judiciary	
Other	
Risk-based approach to the disclosure requirement	For the Executive only high level officials declare.
Other relevant information	All those who are designated by the Council of Ministers to have a temporary position are not required to declare.
4. Supported with adequate resources	
Main agency/ agencies involved in disclosure	<p>Executive</p> <p>The body responsible for receiving disclosures is CIO (both, the declaration of activities and the declarations of assets and property rights). This is an autonomous office within the Treasury and Public Administration Ministry.</p> <p>Additionally, a mention should be made to the Transparency and Access to Information Office as a supporting tool for disclosure, as this Office is tasked legally to guarantee the compliance of obligations on active disclosure contained in the Transparency Portal.</p>

	<p>By this same token, on October 31st 2014 the Council of Ministers also approved the Statute of Transparency and Good Governance Council, an independent body already in operation, whose chair is elected through a parliamentary procedure and whose mission will be to ensure compliance with the law.</p> <p><u>Legislative</u> The Interest Registry of the Senate and the Interest Registry of the Congress of Deputies, under the direct authority of each Speaker, are the responsible bodies for receiving both types of declarations.</p>
Other entities	
Other relevant information	

5. Useful

Frequency of filing requirement	<p><u>Executive</u></p> <ul style="list-style-type: none"> • Declarations of Assets and Property Rights ("<i>Declaración de Bienes y Derechos Patrimoniales</i>"): The public officials have up to 3 months after taking and leaving office, to submit their declarations, submitting as well a copy of their personal income tax declaration and their property tax declaration. When taking office, the Assets and Property Rights Registry will also ask them to present a certification from the tax authority confirming they don't have any tax debts. While in office, they have to submit a copy of their personal income tax declaration on annual basis (article 17, points 1-3, Law 3/2015). • Declaration of activities ("<i>Declaración de Actividades</i>"): public officials have up to 3 months after taking and leaving office to submit their activities' declarations. They are also required to declare any change in their activities during the following two years after leaving office. For complying with this obligation, they will need to submit a copy of their last declaration on personal income tax along with the declaration of activities (article 16, Law 3/2015). <p><u>Legislative</u> All Members of Congress and Senate should declare upon taking and leaving office, and every time any circumstances change (Law 5/1985, article 160). Rules of Senate specifically establish that Senators must submit their declaration within 30 days of losing their status or modifying their initial condition. Members of Congress of Deputies can only take full office upon submitting their first declaration of activities and assets (article 20 - Rules of Congress of Deputies). This also applies to Senators (article 26.2 – Rules of Senate).</p>
Validation & verification	<p><u>Executive</u> The CIO is the body responsible for validation and verification of the declarations submitted by the HRO. It has the faculties to ask the Trade Register, as well as the Foundations Register or the Social Security Agency for further information, if needed to verify the data declared (article 16, Law 3/2015). It is also enabled to ask the tax authorities or other state agencies for information to make sure there is not a violation of the incompatibilities regime. The CIO is also responsible for doing a final evaluation on the HRO's financial position when leaving office, and elaborating a report on this matter (articles 23 and 24, Law 3/2015).</p> <p><u>Legislative</u> The Registries and the Chamber evaluate for incompatibilities. Cases of alleged incompatibility</p>

	shall be determined at a plenary sitting of the Chamber concerned, on the corresponding committee's proposal. The Rules of Congress provide that the Committee must submit its proposal to the Plenary within 20 days of the Member acquiring full parliamentary status or from the notification of any alteration of their initial condition (article 19.2).
Uses of disclosed information	<p><u>Executive</u> When information submitted to the Registry of Assets and Property Rights is needed for the investigation or trial of a crime or other illegal activity conducted by a public official; or if it's needed by the Parliament, the data can be automatically accessed by any of the following institutions: Senate, House of Representatives, Judicial organisms and Public Prosecutor office (article 21, point 3, Law 3/2015).</p> <p>Some of this information will also be submitted for its publication on the Official Gazette (BOE). The report published by the BOE consists on aggregate data (without any personal information) about the number of public officials required to declare, the number of declarations submitted, the number of notifications on leaving office, and the number of non-compliers.</p>
Other relevant information	All state institutions, bodies and agencies as well as private organizations, have the obligation to cooperate with the CIO in order to detect any breach of the rules on incompatibilities (article 20, Law 3/2015).
6. Enforceable	
Types of applicable sanctions	<p><u>Executive</u> Sanctions for non-compliance, false declaration or deliberate omission of information consist on the publication of the infringement and its author in the Official Gazette and the impossibility for the public official to have any other HRO position for a period of 5 to 10 years (depending on the severity of the offense). For the case of false declaration (very severe offense) the sanction will also include the dismissal from the position and the impossibility to perceive the remuneration when leaving office (if applicable). When assets, property rights or activities are declared extemporaneously after a warning, the corresponding sanction will be an admonition. This sanctions do not exclude the possibility of other type of sanctions (if ought to apply to the case). When there is evidence that suggest other type of responsibility might apply, the State Legal Advisers will be ordered to perform the corresponding actions and, if necessary, bring the matter to the attention of the Attorney General (articles 25 and 26 of Law 3/2015).</p> <p>Other type of sanctions are penalties established within the Criminal Code (article 404-445, "Crimes against Public Administration").</p>
Mechanism and entities responsible for enforcing measures	<p><u>Executive</u> The Council of Ministers, upon request by the Minister of Finance and Public Administration, will be the body competent to order the opening of the process when a member of the Government or the Secretary of State is involved. For other cases, the competent body will be the Minister of Finance and Public Administration. The instruction of the relevant files will be made by the CIO. The imposition of sanctions for serious offenses corresponds to the Council of Ministers and Minister Finance and Public Administration. The application of sanctions for minor offenses rests within the Secretary of State for Public Administration (article 27, Law 3/2015).</p> <p>The mechanism for enforcing measures are the Rules of Procedure for the Exercise of the Sanctioning Power, approved by Royal Decree 1398/1993, of 4 August.</p>
Other relevant	

