

Independent Reporting Mechanism

Results Report:
Spain 2020-2024

Open
Government
Partnership



Independent
Reporting
Mechanism

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Executive Summary

Spain’s fourth action plan saw a high level of implementation, the institutionalization of civil society participation in the Open Government Forum, and the involvement of all autonomous communities. However, reforms to the legal framework for access to information, a key civil society priority, was not completed. Going forward, Spain could improve its public engagement strategies to become a global leader in open government.

Implementation

Spain’s fourth action plan was its first comprising a four-year implementation period.¹ Six of the nine national commitments were fully or substantially completed. The most successful commitments were facilitated by the transposition of EU Directives. For example, Commitment 6 resulted in Spain adopting its first national whistleblower protection law, transposing EU Directive 2019/1937.

Commitment 2 supported the transposition of two EU Directives on open data and reuse of public sector information and on access to data in the business registry. This commitment improved the Transparency Portal and access to data collected in the Spanish Business Registry.

Several commitments were not completed or were cancelled because the government did not pass the required legislation during the implementation period. This was the case for the reform of the Transparency Law (Commitment 1), the implementation of the “normative footprint” (Commitment 4), and the reform of the law on incompatibilities of public employees (Commitment 5). Most of the unfulfilled commitments were also priorities for civil society, particularly the reform of the Transparency Law. Some activities were (or are expected to be) fulfilled after the end of the implementation period with the approval of the draft Law on Transparency and Integrity of Lobbying Activities on 28 January 2025. This law will require lobbyists to register in a Central Register of Interest Groups (an activity of Commitment 4) and will require the inclusion of normative footprint reporting into policy-making processes (an activity of Commitment 5).²

In June 2021, the government published an addendum with two new actions to the action plan, both related to the incorporation of good practices for the Open Government Observatory under

At a Glance

LEVEL OF COMPLETION

6/9

Complete or substantially complete commitments

EARLY RESULTS

6/9

Commitments with early results

1/9

Commitments with significant results

KEY OBSERVATIONS

- The four-year action plan allowed Spain to include more ambitious and strategic commitments but frequent political changes and a minority government in parliament made it more difficult to complete these commitments.
- Commitments linked to EU Directives were more likely to be implemented and lead to early results.
- Civil society members of the Open Government Forum were pleased with the scope of the action plan but had limited influence over the implementation of key commitments.
- Autonomous communities and local entities implemented a wide range of commitments but did not complete the most ambitious reforms requiring legislative changes.

Compliance with minimum requirements during implementation:

Yes

Commitment 9.³ In February 2023, the government published a revised version of the action plan, reporting on the status of the commitments and announcing the cancellation of three activities.⁴

The action plan also included 53 commitments covering all autonomous communities, autonomous cities, and the Spanish Federation of Municipalities and Provinces.⁵ These commitments led to advancements in a wide range of policy areas, including open data, participatory budgeting, public participation in policy-making, and trainings for civil servants in open government.

Participation and Co-Creation

Two institutions oversee the OGP process in Spain: the Open Government Forum (Spain's multi-stakeholder forum) and the Open Government Sectoral Commission (which coordinates across public administrations). Civil society members of the Open Government Forum praised the government's effort put into developing this action plan, which took place during the COVID-19 pandemic. They highlighted the openness of government representatives and the Sub-Directorate General of Open Government to discuss the proposals obtained during the public consultation process, as well as the broad participation of organizations at the national and autonomous and local levels.⁶ The forum continued to meet regularly to monitor the action plan's implementation, either in plenary sessions, in the standing committee, or through working groups. All information about the meetings is published on the Transparency Portal. The government will renew the forum after the adoption of the fifth action plan.

Implementation in Context

The four-year implementation period (29 October 2020 - 29 October 2024) coincided with numerous events that shifted the government's political priorities, such as natural disasters, the general election in July 2023, and changes of government at the national level. The government and the autonomous communities successfully implemented most of the commitments. However, for much of the implementation period, the government had a parliamentary minority which required reaching agreements and negotiating reforms between parties. According to the government, this particularly affected implementation of the commitments that required passing legislation. The only legislative reforms passed were connected to EU Directives (such as whistleblower protection), due to the political consensus among the parliamentary groups for their approval. Many autonomous communities also faced successive elections and changes of government during the implementation period, which hindered implementation of commitments that involved passing legislation.

The last year of the action plan (October 2023 - October 2024) coincided with Spain joining the OGP Steering Committee. In October 2024, Spain became the government co-chair of OGP. The Government of Spain will host the ninth OGP Global Summit in October 2025 in Vitoria-Gasteiz.⁷

¹ Open Government Partnership, Spain Action Plan 2020-2024, <https://www.opengovpartnership.org/documents/spain-action-plan-2020-2024/>

² Government of Spain, Ministry for the Digital Transformation and of the Civil Service, El Gobierno regula los grupos de interés para garantizar una mayor transparencia, rendición de cuentas y participación pública (The government regulates interest groups to ensure greater transparency, accountability and public participation), 28 January 2025, https://digital.gob.es/portalmtdfp/comunicacion/sala-de-prensa/comunicacion_ministro/2025/01/2025-01-28_02.html

³ Open Government Partnership, Spain 4th OGP National Action Plan 2020-2024, Addendum June 2021, https://www.opengovpartnership.org/wp-content/uploads/2020/11/Spain_Action-Plan_2020-2024_Addendum_June2021_EN.pdf

⁴ Open Government Partnership, Spain 4th OGP National Action Plan 2020-2024, revised version February 2023, https://www.opengovpartnership.org/wp-content/uploads/2020/11/Spain_Action-Plan_2020-2024_Revised-Feb2023_EN.pdf

⁵ Spain's fourth action plan originally included 53 commitments coming from autonomous communities and local entities. However, five of them were cancelled during the implementation phase, lowering the final number of commitments to 48.

⁶ Open Government Partnership, IRM Spain Action Plan Review 2020–2024, <https://www.opengovpartnership.org/documents/spain-action-plan-review-2020-2024/>

⁷ Open Government Partnership, 2025 OGP Global Summit, <https://www.opengovpartnership.org/events/2025-ogp-global-summit/>

Section I. Key Observations

Observation 1: The four-year action plan allowed Spain to include more ambitious and strategic commitments but frequent political changes and a minority government in parliament made it more difficult to complete these commitments.

Spain's fourth action plan was the country's first to span four years. The extended implementation period allowed Spain to introduce ambitious, long-term commitments that involved legislative changes¹ and aligned with the government's reform agenda, including Spain's Recovery, Transformation and Resilience Plan.² However, it also increased the chances of circumstantial events and political changes slowing down or preventing the fulfillment of commitments. The implementation period coincided with challenges that shifted the government's priorities, including natural disasters, the general election in July 2023 and changes of government at the national level. For much of the implementation period, Spain's parliamentary minority government did not pass the legislation required for several commitments during the implementation period, including the reform of the Transparency Law (Commitment 1), the normative footprint (Commitment 4), and the regulations on lobbying (Commitment 5).

Most key legislative changes are included in the government's 2024 Action Plan for Democracy, and the forthcoming draft bill on Open Administration is expected to include the unfulfilled commitments of the fourth action plan.³ At a meeting of the Open Government Forum on 12 March 2025, the Secretariat of State for the Civil Service confirmed that the Open Administration Law would be based on the progress made in reforming the Transparency Law.⁴

Observation 2: Commitments linked to EU Directives were more likely to be implemented among those that required passing legislation.

Despite having a minority government during most of the implementation period, Spain was able to pass legislation for the commitments connected to EU Directives. Unlike other commitments requiring legislative changes, the connection to EU Directives facilitated political consensus in Parliament for their approval. This was the case for Commitment 6 where EU Directive 2019/1937 on whistleblower protection was transposed and Commitment 2 where EU Directive 2019/2014 on open data and EU Directive 2019/1151 on the use of digital tools and processes in company law were transposed. For Commitment 6, after a delay, Spain passed its first national whistleblower protection law by transposing the EU Directive 2019/1937 through Law 2/2023. While both commitments laid the foundations for sustainable results, the government needs to ensure their continuous implementation beyond the fourth action plan.

Observation 3: Civil society members of the Open Government Forum were pleased with the scope of the action plan but had less influence over its implementation.

Civil society members of the Open Government Forum were satisfied that the action plan included many of their priorities. However, they expressed frustration over the lack of implementation of these priority reforms and over the limited impact of their contributions on implementation.⁵ For example, after the lengthy drafting of the bill for the Transparency Law in the forum's working sub-group, the government has not submitted it to parliament or provided feedback or information on this decision. This has led some members to question the value of using their capacity and resources to participate in the OGP process in the future.⁶ One organization stated that the Open Government Forum could benefit from greater diversity and inclusion.⁷ The Ministry for the Digital Transformation and of the Civil Service plans to reform

the working groups and will issue a call to renew the forum's membership.⁸ This is still pending as of February 2025 because it is subject to the approval of the fifth action plan.

Observation 4: Autonomous communities and local entities implemented a wide range of commitments but did not complete most reforms requiring legislative changes.

Spain's fourth action plan included 53 commitments from autonomous communities and local entities, covering all autonomous communities, the autonomous cities (Ceuta and Melilla), and the Spanish Federation of Municipalities and Provinces (FEMP) - the latter representing all local entities and provincial councils in Spain.⁹ Six of Spain's 17 autonomous communities and the city of Madrid are members of the OGP Local Program. While there was some overlap between the commitments in the national action plan and the OGP Local action plans, most commitments from OGP Local members were not included in their local action plan.

241 of the 303 activities of the autonomic and local commitments (80 percent) were completed. Action 10.53, carried out by the FEMP, strengthened the Spanish Network of Local Entities for Transparency and Citizen Participation and resulted in two sample municipal regulations to facilitate their adoption by municipalities:¹⁰ on public transparency¹¹ and on data government.¹² Commitments related to online spaces for citizen participation, open data, or awareness-raising and training in open government for public employees were also completed. Other successful commitments included the establishment of the institutional integrity framework in Galicia and the launch of the regulatory footprint section in the transparency portal of Castile and León with the aim of disseminating documents and content generated in the processing of mandatory regulations. However, most commitments involving the approval of new regional laws on citizen participation and transparency were not completed during the implementation period. The main reason was the lack of continuity in legislative priorities between outgoing governments and the new executives following regional elections.¹³

The Ministry for the Digital Transformation and of the Civil Service states that the inclusion of all autonomous communities and local entities was one of the major achievements of the action plan.¹⁴ The ministry contacted each entity individually to gather projects they had developed or were developing in open government, transparency, or public participation. These interactions were fruitful but required setting the context, especially for autonomous communities and local entities that were not involved in OGP Local. Autonomous communities and local entities assessed their participation in the action plan positively and will continue to include activities in the fifth plan.

¹ Access Info Europe, Spain's Ambitious four-year OGP Action Plan Adopted, 30 October 2020, <https://www.access-info.org/2020-10-30/spain-ogp-action-plan-adopted/>.

² La Moncloa, Pedro Sánchez presents Recovery Plan to guide implementation of 72 billion euros from European funds to 2023, 7 October 2020, <https://www.lamoncloa.gob.es/lang/en/presidente/news/paginas/2020/20201007recovery-plan.aspx>

³ Government of Spain, Plan Anual Normativo 2024 (Annual Policy Plan), April 2024, https://transparencia.gob.es/transparencia/dam/jcr:00e03e20-a2c7-46cb-a482-00f487896469/PAN_2024.pdf; Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM, 24 October 2024.

⁴ Information sent to the IRM by the Ministry of Digital Transformation and of the Civil Service during the pre-publication review of this report, 28 May 2025.

⁵ Safira Cantos (Hay Derecho), interview by the IRM, 20 November 2024; David Cabo (Civio), interview by the IRM, 27 January 2025.

⁶ Safira Cantos (Hay Derecho), interview by the IRM, 20 November 2024; Rachel Hanna (Access Info Europe), interview by the IRM, 24 January 2025; David Cabo (Civio), interview by the IRM, 27 January 2025.

⁷ Camila Cella and Daiana Bouzo (Transparency International España), interview by the IRM, 22 November 2024.

⁸ Safira Cantos (Hay Derecho), interview by the IRM, 20 November 2024.

⁹ FEMP – Spanish Federation of Municipalities and Provinces, interview by the IRM, 4 December 2024.

¹⁰ *Ibid.*

¹¹ Red de entidades locales por la transparencia y la participación pública (Network of Local Entities for Transparency and Citizen Participation), Ordenanza tipo de transparencia pública (Sample municipal regulation for public transparency), 5 December 2023, <https://redtransparenciayparticipacion.es/download/ordenanza-tipo-transparencia-publica/>

¹² Red de entidades locales por la transparencia y la participación pública (Network of Local Entities for Transparency and Citizen Participation), Ordenanza tipo de gobierno de dato (Sample municipal regulation for data government), 5 December 2023, <https://redtransparenciayparticipacion.es/download/ordenanza-tipo-gobierno-del-dato/>

¹³ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM, 24 January 2025.

¹⁴ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM, 24 January 2025.

Section II. Early Results

This section analyzes commitments that achieved the strongest early results in the action plan. To assess early results, the IRM considers the commitments' objective, the country context, the policy area, and the evidence of changes. The IRM early results assessment is determined by the depth of change that occurred and evidence that the change is expected to be sustained in time.

Table 1. Commitments with Early Results

Commitment 2 (Plan to improve and strengthen transparency and accountability): Improved transparency portal; facilitated access to public information.
Commitment 6 (Whistleblower protection): Increased standards of protection to employees who report infringement, violations or fraud in their company or institution.

Commitment 2: Plan to improve and strengthen transparency and accountability

Implementers: Council for Transparency and Good Government (CTBG), Ministry for the Digital Transformation and of the Civil Service, Ministry of Economy, Trade and Business, Ministry of Treasury, and Ministry of Justice (since 2023, the Ministry of the Presidency, Justice and Relations with the Courts).

Context and Objectives:

This commitment aimed to improve transparency and open data. It would establish a system for accrediting the transparency of public and private entities subject to the Transparency Law and improve the General State Administration's Transparency Portal. It would also transpose into the Spanish legal framework EU Directive 2019/2014 on open data and EU Directive 2019/1151 to eliminate fees and facilitate access to data in the business register. The commitment also aimed to improve the openness of data on the selection and training of civil servants, as well as economic and budgetary transparency, including the General State Budget Bill.

Early Results: Moderate results

This commitment resulted in improvements to the Transparency Portal, the transposition of EU Directives on open data and reuse of public sector information and the elimination of fees and facilitation of access to data collected in the Spanish Business Registry, and the publication of new information in economic-budgetary matters. Some activities depended on the reforms of the Transparency Law (Commitment 1), which were not approved. However, all actions in the amended version of the commitment were completed, while one (action 2.9) was cancelled in the amendments of the action plan.

The system to accredit and certify the transparency of entities subject to the Transparency Law (action 2.1) was completed on 31 March 2024 after being modified due to implementation difficulties. Instead of the intended accreditation by results, the Council for Transparency and Good Governance will recognize entities that stand out for their compliance with the law. The rationale for this modification was the diversity among the structures and functions of

transparency guarantors, some of which do not have active publicity control or evaluation powers.¹ This certification is not a significant change for citizens to exercise their right to transparency or accountability. However, it may incentivize compliance by entities subject to the Transparency Law and can help citizens identify entities that do not comply with the law.

The Ministry for the Digital Transformation and of the Civil Service explained that many of the planned improvements to the Transparency Portal (action 2.2) required developing new software tools, causing delays.² Nevertheless, the ministry completed all the activities under this action.³ The Transparency Portal's economic and financial section was updated to include contracts, annual accounts, real estate, budget execution and fiscalization reports, senior officers (curricula vitae and remuneration, incompatibilities, activities after leaving office), legislation (in the process of approval and in force), public contracts, and subsidies. All accepted information requests and the most frequently requested information are published. The ministry has also published content maps and service charters to make the portal easily navigable. A space has been added to monitor the commitments in OGP action plans. Interviewed stakeholders agreed that these changes are helpful, but also that the portal has room for improvement. A representative of the Spanish Association of Civil Service Archivists explained that the new content maps have become the classification tables of archives.⁴ One stakeholder claimed that this commitment resulted only in technical changes to the Transparency Portal but does not significantly open government in Spain.⁵

Action 2.3 transposed EU Directive 2019/2014 on open data and reuse of public sector information through Royal Decree-Law 24/2021 of 2 November 2021. Royal Decree-Law 24/2021 amends Law 37/2007, updating the legal references on the protection of personal data, the legal regime of the public sector, and administrative procedures.⁶ Royal Decree-Law 24/2021 improves the previous regulation and encourages the reuse of data and public information of organizations governed by public law in Spain. The decree goes beyond the EU Directive in some areas. Entities are required to make their catalogues interoperable with the national catalogue. Commercial companies, teaching centers, and research organizations are exempted, and each entity is required to designate a unit responsible for making its information available. This regulation excludes the re-use of documents to which access is limited or excluded for reasons of protection of sensitive information on critical infrastructures.⁷

Through action 2.4, the list of private entities considered "major recipients" that receive more than €100,000 per year in state subsidies and grants was published on the National Publicity System for Grants and Public Aid (www.infosubvenciones.es) launched during Spain's second OGP action plan (2014-2016).⁸ The list of major recipients, which are subject to proactive publication responsibilities under the Transparency Law, was not previously available. The publication of this new information allows the media and the public to easily find out the primary recipients of public subsidies and how this funding changes annually.

The presentation of the information related to the General State Budget Bill was optimized with infographics (action 2.5).⁹ New information on municipalities' compliance with their obligations to provide budget information¹⁰ and follow up on financial adjustment plans¹¹ is published (action 2.6). Public information contained in the Public Sector Procurement Platform is simplified and completed (action 2.7),¹² and the documents of the State Public Procurement Advisory Board are adapted to the accessibility requirements established by national regulations (action 2.8).¹³ Action 2.9, to open data on the selection and training of civil servants, was cancelled

because only data on selection and training processes organized by the National Institute of Public Administration would be made available, excluding the training processes organized by the General State Administration.¹⁴

Action 2.10 transposed EU Directive 2019/1151 on the use of digital tools and processes in company law through Law 11/2023 of 8 May 2023.¹⁵ EU Directive 2019/1151 establishes that basic company data included in national Business Registries must be digitalized.¹⁶ The transposition of EU Directive 2019/1151 is an important change for Spain, as it eliminates fees and facilitates access to the data collected in the Ministry of the Presidency, Justice and Relations with the Courts' (previously the Ministry of Justice's) business registry (*Registro Mercantil Central* - sede.registradores.org). This registry includes key information to identify private interests (of individuals or businesses) that are or might be directly related to decision-making, public money management, or public contracting. When the fourth action plan was adopted, transparency CSOs, such as Access Info Europe, identified the opening of business registry data as one of its key measures.¹⁷

Looking Ahead:

The sustainability of this commitment will require continuous effort from institutions. The Ministry for the Digital Transformation and of the Civil Service could establish clear standards and guarantees for the accreditation and certification system given by the Council for Transparency and Good Governance to the entities that excel in compliance with the Transparency Law.

According to the Ministry of Digital Transformation and of the Civil Service, a new Transparency Portal will be presented at the OGP Global Summit in October 2025. The IRM recommends the Ministry for the Digital Transformation and of the Civil Service make the portal visually accessible, with a simple, user-friendly design, especially for those less familiar with new technologies.¹⁸ Transparency International's portal for the EU, www.integritywatch.eu, could be a good example to follow. An interviewed civil society representative stated that much of the information they need is still unavailable on the Transparency Portal and requesting such information can be tedious.¹⁹ Annual workshops and surveys have been implemented to evaluate the portal and identify areas for improvement. The first survey saw 103 responses. Respondents praised the ease of downloading files and the constant updating of the portal's contents, but more than 30 percent believe the portal does not meet the objective of being the central point for disseminating public information.²⁰ The Ministry for the Digital Transformation and of the Civil Service has identified areas of improvement, including creating more accessible and formative content on open government, simplifying access to information related to the right of access files.²¹

The General State Intervention Administration (IGAE) could also update the dataset of large grant recipients and increase the accessibility and availability of data in the business registry. It could produce infographics to help the media, civil society, and the public understand the information. One organization specialized in this field recommended automatically updating the document management system and the Transparency Portal, as opposed to updating it manually when civil servants input information and documents.²² The IRM recommends the government work with independent researchers to use data relating to the public sector, major beneficiaries, and the business registry, and report any lack of compliance with the law or inaccuracies in the data.

Commitment 6: Whistleblower protection

Implementers: Ministry for the Digital Transformation and of the Civil Service, Ministry of Justice (since 2023, the Ministry of the Presidency, Justice and Relations with the Courts).

Context and Objectives

This commitment aimed to establish standards of whistleblower protection for workers who report infringements, violations, or fraud in their organization. It sought to transpose the EU Directive 2019/1937 on protecting persons reporting breaches of EU law and to adopt a uniform legal framework to protect whistleblowers and contribute to better law enforcement.

Early Results: Significant results

All activities under this commitment were completed. Law 2/2023 regulating the protection of persons who report regulatory infringements and the fight against corruption, which transposes EU Directive 2019/1937, was adopted on 20 February 2023.²³ The fulfilment of this commitment has had significant results for public integrity in Spain. Until the adoption of Law 2/2023, there was no national law in Spain to protect whistleblowers. There were only anti-corruption offices with similar tasks in some autonomous communities (such as the Generalitat Valenciana's www.antifraucv.es).²⁴ As this law came from an EU Directive, there was consensus among political parties in Spain and its results are expected to be sustained over time. However, some CSOs do not consider Law 2/2023 an achievement of the OGP action plan because Spain was obligated to adopt a whistleblower protection system under the EU Directive.²⁵

Law 2/2023 covers the public administration and other public sector organizations, private companies with more than 50 employees, companies falling within the application of EU acts, political parties, trade unions, employers' associations, and foundations.²⁶ These organizations must establish an internal reporting channel that ensures the confidentiality and anonymity of whistleblowers and designate a legal officer to supervise and manage it. The law prohibits any retaliation (e.g., dismissal, downgrading, discrimination) against whistleblowers and stipulates the incorporation of support measures (legal, psychological, and financial). In addition, financial penalties of up to 1 million euros are established, depending on the degree of non-compliance, for organizations that do not carry out the measures imposed to protect whistleblowers. Finally, the Law provides for the creation of the Independent Whistleblower Protection Authority (AAI - *Autoridad Independiente de Protección del Informante*), an autonomous body with sanctioning powers that can receive complaints from whistleblowers who do not wish to use their company's internal channel. It also calls for adopting protection measures for whistleblowers and preparing annual reports and other statistics.

The association Blueprint for Free Speech points out that Law 2/2023 has two main limitations. First, it is unclear about the civil and criminal liability of the persons who inform both when acquiring information of public interest and when disclosing it. Second, although the law says that the whistleblower can choose whether to report internally or externally, it blocks the possibility of recourse to the competent authorities once it has been submitted through the internal channel.²⁷ Transparency International stresses that the establishment of the AAI and the significant financial penalties against infringers incentivize the enforcement of the law.²⁸ However, there are aspects of the law that do not meet best practices or comply with the EU

Directive. First, whistleblowers can only report a) breaches of EU law and b) serious or very serious criminal or administrative infringements of Spanish law. Hence, its scope is limited and fragmented. Second, Law 2/2023 goes against the EU Directive since the protection for whistleblowers against judicial proceedings regarding breaches of restrictions on disclosure of information does not apply to criminal responsibility.²⁹

Law 2/2023 was adopted on 20 February 2023, 14 months after the deadline for transposing the EU Directive (17 December 2021).³⁰ In addition, Law 2/2023 set a one-year deadline (March 2024) to approve the AAI Statute.³¹ However, the elections in July 2023 led to missed deadlines.³² The Royal Decree to approve the AAI Statute was published on 30 October 2024, eight months behind the deadline and twenty months after the entry into force of Law 2/2023 (and after the implementation of the action plan ended).³³ A civil society representative claims that this Royal Decree was passed through the urgency procedure to speed up the process, eliminating the public consultation stage.³⁴ The absence of a sanctioning body has slowed compliance with the law among entities required to establish reporting channels.³⁵ However, the AAI has retroactive sanctioning powers, so it may sanction companies and institutions that have failed to comply with the law since it entered into force.³⁶

Looking Ahead

Law 2/2023 is important for anti-corruption and public integrity in Spain. Going forward, it will be important to address limitations identified by the AAI, CSOs, or whistleblowers. The government could monitor compliance with the requirements of the EU Directive based on best practices in whistleblower protection. Due to the delay in establishing the AAI, there is currently no record of sanctions or monitoring of compliance with the law, only evaluations of the text of the law and the statute of the AAI. Following the law's entry into force, the AAI will prepare annual reports and statistics on whistleblower complaints.³⁷ The AAI could monitor if whistleblowers enjoy better protection and more security when reporting wrongdoing in their respective companies or institutions.

¹ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 2.1.5, Commitment 2, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C2/2-1-5-FormalizacionJuridica.html

² Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM, 24 October 2024.

³ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Commitment 2, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C2.html

⁴ AEFPP - Spanish Archivists in the Civil Service, interview by the IRM, 22 November 2024.

⁵ Manuel Villoria, university professor and member of the Open Government Forum, interview by the IRM, 19 November 2024.

⁶ Government of Spain, Real Decreto-ley 24/2021, de 2 de noviembre, de transposición de directivas de la Unión Europea... (Royal Decree-Law 24/2021, of 2 November, on the transposition of European Union directives...), https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-17910

⁷ Junta de Andalucía, El BOE presenta nueva regulación por Decreto-ley para la reutilización de la información del sector público y datos abiertos (BOE presents new regulation by Decree-Law for the reuse of public sector information and open data), 23 December 2021, <https://www.juntadeandalucia.es/datosabiertos/portal/actualidad/detalle/922>

⁸ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 2.4.2, Commitment 2, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C2/2-4-2-PuestaMarcha.html

⁹ Government of Spain, Ministry of Treasury, Proyecto de Presupuestos Generales del Estado 2023 ("Draft of General State Budget 2023), <https://www.sepg.pap.hacienda.gob.es/sitios/sepg/es-ES/Presupuestos/PGE/ProyectoPGE2023/Paginas/ProyectoPGE2023.aspx>

- ¹⁰ Government of Spain, Ministry of Treasury, Incumplimiento por las corporaciones locales del suministro de información presupuestaria (Non-compliance by local corporations with the provision of budget information), <https://www.hacienda.gob.es/es-ES/CDI/Paginas/InformacionPresupuestaria/InformacionCCLLs/IncumplimientoSuministroCCLL-LOEPSF.aspx>
- ¹¹ Government of Spain, Ministry of Treasury, Seguimiento planes de ajuste de las Entidades Locales (Monitoring of Local Entities' adjustment plans), <https://www.hacienda.gob.es/es-ES/CDI/Paginas/EstabilidadPresupuestaria/InformacionCCLLs/SeguimientoPlanesDeAjusteEELL.aspx>
- ¹² Government of Spain, Ministry of Treasury, Servicio de estadísticas de la Plataforma de Contratación del Sector Público (PLACSP) (Public Sector Procurement Platform Statistics Service (PLACSP)), https://estadisticas.contrataciondelsectorpublico.gob.es/superset/dashboard/opencontratacion/?native_filters_key=wdf8kaSIIzJcAdM96qv5UCPeObqeO3syOZHnpVNLUowogv1qtQKhveny4FQHmGRX
- ¹³ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 2.8.2, Commitment 2, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C2/2-8-2-AdecuarDocumentos.html
- ¹⁴ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 2.9.1, Commitment 2, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C2/2-9-1-Inventario-datos-INAP.html
- ¹⁵ Government of Spain, Ley 11/2023, de 8 de mayo, de trasposición de Directivas de la Unión Europea... (Law 11/2023, of 8 May, on the transposition of European Union Directives...), <https://www.boe.es/eli/es/l/2023/05/08/11/con>
- ¹⁶ European Union, Directive (EU) 2019/1151 of the European Parliament and of the Council of 20 June 2019 amending Directive (EU) 2017/1132 as regards the use of digital tools and processes in company law, <https://eur-lex.europa.eu/eli/dir/2019/1151/oj/eng>
- ¹⁷ Access Info Europe, Spain's Ambitious four-year OGP Action Plan Adopted, 30 October 2020, <https://www.access-info.org/2020-10-30/spain-ogp-action-plan-adopted/>
- ¹⁸ Camila Cella and Daiana Bouzo (Transparency International España), interview by the IRM, 22 November 2024.
- ¹⁹ Safira Cantos (Hay Derecho), interview by the IRM, 20 November 2024.
- ²⁰ Government of Spain, Ministry for the Digital Transformation and of the Civil Service, Informe final de resultados - Encuesta de satisfacción del Portal de la Transparencia (Final Results Report - Transparency Portal Satisfaction Survey), June 2023, <https://transparencia.gob.es/transparencia/dam/jcr:83550bfb-58c9-4051-874f-06cdf6f308f5/InformeFinalEncuestaPT-2023-2.pdf>
- ²¹ *Ibid.*
- ²² AEFPP - Spanish Archivists in the Civil Service, interview by the IRM, 20 November 2024.
- ²³ Government of Spain, Ley 2/2023, de 20 de febrero, reguladora de la protección de las personas que informen sobre infracciones normativas y de lucha contra la corrupción (Law 2/2023 of 20 February on the protection of persons who report regulatory infringements and on the fight against corruption), <https://www.boe.es/eli/es/l/2023/02/20/2/con>
- ²⁴ Safira Cantos (Hay Derecho), interview by the IRM, 20 November 2024.
- ²⁵ Safira Cantos (Hay Derecho), interview by the IRM, 20 November 2024; El Diario, Carlos del Castillo, El Gobierno da al fin el paso "clave" para proteger a los informantes (Government finally takes "key" step to protect whistleblowers), 18 May 2024, https://www.eldiario.es/tecnologia/gobierno-da-paso-clave-protoger-informantes-desverguenza-institucional_1_11374471.html
- ²⁶ Government of Spain, Ley 2/2023, de 20 de febrero, reguladora de la protección de las personas que informen sobre infracciones normativas y de lucha contra la corrupción (Law 2/2023 of 20 February on the protection of persons who report regulatory infringements and on the fight against corruption), <https://www.boe.es/eli/es/l/2023/02/20/2/con>
- ²⁷ Blueprint for Free Speech, Spain's Congress approves a law to protect whistleblowers, 23 December 2022, <https://www.blueprintforreespeech.net/en/news/spains-congress-approves-a-law-to-protect-whistleblowers>
- ²⁸ Transparency International, How well do EU countries protect whistleblowers?, 7 November 2023, <https://www.transparency.org/en/publications/how-well-do-eu-countries-protect-whistleblowers-speakup>
- ²⁹ *Id.*
- ³⁰ Government of Spain, Ley 2/2023, de 20 de febrero, reguladora de la protección de las personas que informen sobre infracciones normativas y de lucha contra la corrupción (Law 2/2023 of 20 February on the protection of persons who report regulatory infringements and on the fight against corruption), <https://www.boe.es/eli/es/l/2023/02/20/2/con>
- ³¹ *Ibid.*
- ³² El Diario, Carlos del Castillo, El Gobierno da al fin el paso "clave" para proteger a los informantes (Government finally takes "key" step to protect whistleblowers), 18 May 2024, https://www.eldiario.es/tecnologia/gobierno-da-paso-clave-protoger-informantes-desverguenza-institucional_1_11374471.html
- ³³ Government of Spain, Real Decreto 1101/2024, de 29 de octubre, por el que se aprueba el Estatuto de la Autoridad Independiente de Protección del Informante, A.A.I. (Royal Decree 1101/2024 of 29 October, approving the Statute of the Independent Authority for the Protection of Informants, A.A.I.), <https://www.boe.es/eli/es/rd/2024/10/29/1101/con>

³⁴ Safira Cantos (Hay Derecho), interview by the IRM, 20 November 2024; El Diario, 20 November 2024. Carlos del Castillo, El Gobierno da al fin el paso “clave” para proteger a los informantes (Government finally takes “key” step to protect whistleblowers), 18 May 2024, https://www.eldiario.es/tecnologia/gobierno-da-paso-clave-proteger-informantes-desverguenza-institucional_1_11374471.html

³⁵ El País, Ilier Navarro, Denunciantes a la intemperie en las empresas: la Autoridad de Protección al Informante sigue sin funcionar (Whistleblowers vulnerable in companies: Whistleblower Protection Authority still not functioning), 16 June 2024, <https://elpais.com/economia/negocios/2024-06-16/denunciantes-a-la-intemperie-en-las-empresas-la-autoridad-de-proteccion-al-informante-sigue-sin-funcionar.html>

³⁶ *Ibid.*

³⁷ Government of Spain, Ley 2/2023, de 20 de febrero, reguladora de la protección de las personas que informen sobre infracciones normativas y de lucha contra la corrupción (Law 2/2023 of 20 February on the protection of persons who report regulatory infringements and on the fight against corruption), <https://www.boe.es/eli/es/l/2023/02/20/2/con>

Section III. Participation and Co-Creation

Spain complied with OGP's requirements of participation and co-creation during the fourth action plan. The Open Government Forum met regularly throughout the co-creation and implementation phases. Reforms are under way to streamline the work of the Open Government Forum to make it more inclusive.

The Ministry for the Digital Transformation and of the Civil Service oversees coordinating the national action plans and OGP activities in Spain at the state level. The unit in charge of OGP is the Sub-Directorate General of Open Government, which is under the ministry's Directorate General of Public Governance. The Open Government Sectoral Commission (a space for coordination and collaboration between the different public administrations) and the Open Government Forum (Spain's multi-stakeholder forum) monitor the OGP action plans in Spain. The Open Government Forum has permanent and observer members elected through an open process that assesses the organization's territorial scope, experience, and connection to the action plan.¹ The forum is organized in plenary, a permanent commission, thematic working groups, and sub-groups. A civil society member highlights the forum as one of the main strengths of Spain's OGP process during the fourth action plan.² The forum institutionalizes exchanges between the public administration and civil society, allows better monitoring of OGP commitments, and provides legal certainty for civil society's participation in the OGP process.³

The co-creation workshops to develop the fourth action plan were collaborative.⁴ Civil society praised the government's willingness to discuss the proposals obtained during the consultation period.⁵ They were particularly impressed by the government's efforts to ensure broad participation of civil society, considering the co-creation process took place during the COVID-19 pandemic.⁶ Civil society was pleased with the scope of the action plan, which included many of their priorities.⁷

The Open Government Forum met monthly to monitor the commitments during the four-year implementation period. Civil society representatives believe the working groups, while suitable for monitoring the action plan, offered few opportunities for including their feedback in implementation.⁸ CSOs mentioned that monitoring the action plan was time-consuming, especially for smaller organizations with limited resources and capacity.⁹ During the co-creation process, CSOs raised the possibility of a nominal state grant for the non-governmental members of the Open Government Forum for them to allocate resources for staff to monitor the plan.¹⁰ However, this idea was discarded due to its complexity and the concerns it raised.¹¹ A university professor (and member of the Open Government Forum) believes that having smaller working groups could facilitate more targeted discussions in the future.¹² Another member recommends streamlining working group meetings to make them more productive.¹³

Some interviewees stated that the Open Government Forum could be more diverse in its membership.¹⁴ The Ministry for the Digital Transformation and of the Civil Service is addressing these concerns for the fifth action plan.¹⁵ Commitment 3 of the fourth action plan involved reforming the structure of the working groups to allow for more open discussions. A call will be published to renew the Open Government Forum.¹⁶ However, as the call has not yet been published, the fifth action plan was co-created with the same members from the fourth plan.

Civil society representatives praised the efforts of the Directorate General of Public Governance and the Sub-Directorate General of Open Government in advancing the action plan and other

open government reforms outside of the OGP process.¹⁷ However, interviewed civil society representatives believed their participation in the OGP process has not resulted in progress in advancing major open government reforms.¹⁸ CSOs wanted the unfilled commitments continued in the fifth action plan, especially the reform of the Transparency Law.¹⁹ One organization believed that parliamentary majorities was a justification to exclude certain reforms, as the government did not present the reform of the Transparency Law in Congress or publish the draft bill.²⁰

The fourth action plan also demonstrated the importance of including autonomous communities and local entities in open government reforms, given Spain’s highly decentralized public administration.²¹ All autonomous communities, the two autonomous cities (Ceuta and Melilla), and the Spanish Federation of Municipalities and Provinces (FEMP) had commitments in the action plan. The Ministry for the Digital Transformation and of the Civil Service contacted each autonomous community for projects they had developed or were developing in open government, transparency, and public participation.²² The ministry noted that the dialogue with the autonomous communities helped promote OGP at other administrative levels of the public administration.²³ The autonomous communities and local entities will continue to include commitments in Spain’s fifth action plan.²⁴

Compliance with the Minimum Requirements

The IRM assesses whether member countries met the minimum requirements under OGP’s Participation and Co-Creation Standards for the purposes of procedural review.²⁵ In 2021, OGP implemented new standards to assess participation and co-creation of action plans. However, these new standards do not apply in this case, as they were implemented when Spain’s fourth action plan was already under way. During co-creation, Spain acted according to the OGP process. The two minimum requirements listed below must achieve at least the “in progress” level for a country to act according to OGP process.

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Table 2. Compliance with Minimum Requirements

Acted according to OGP process during the implementation period?	
<p>The government maintained an OGP repository that is online, updated at least once during the action plan cycle, and contains evidence of development and implementation of the action plan.</p> <p>The government maintained and regularly updated an OGP webpage with information related to the action plan co-creation process and implementation. The repository is available without barriers to access.²⁶ The repository includes a section dedicated to the implementation of the commitments, with relevant evidence. It also includes Open Government</p>	Green

<p>Forum meeting minutes and press releases, a section dedicated to the co-creation process of the action plan and material on open government, the members of the Open Government Forum, opportunities for citizen participation, and other events.</p>	
<p>The government provided the public with information on the action plan during the implementation period. The Open Government Forum met monthly during the implementation of the fourth action plan in several formats: plenaries, permanent commissions, working groups (transparency and accountability, participation, public integrity, training in open government, communication and collaboration in open government), and working sub-groups. The meeting agendas and minutes are available on the OGP webpage. The plenaries also included video recordings of the meetings, and the documentation approved therein. Spain’s OGP webpage also shows updated information on the progress of the commitments and the degree of compliance with the fourth action plan by axes and activities.</p>	<p>Green</p>

¹ Government of Spain, Resolución de 15 de enero de 2021, de la Secretaría General de Función Pública, por la que se resuelve el proceso de selección para la designación de vocales del Foro de Gobierno Abierto (Resolution of 15 January 2021, of the General Secretariat of Civil Service, resolving the selection process for the appointment of the Open Government Forum members), https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-740

² Camila Cella and Daiana Bouzo (Transparency International España), interview by the IRM, 22 November 2024.

³ *Id.*

⁴ Open Government Partnership, IRM Spain Action Plan Review 2020–2024, <https://www.opengovpartnership.org/documents/spain-action-plan-review-2020-2024/>

⁵ *Id.*

⁶ Open Government Partnership, IRM Spain Action Plan Review 2020–2024, <https://www.opengovpartnership.org/documents/spain-action-plan-review-2020-2024/>

⁷ Access Info Europe, Spain’s Ambitious four-year OGP Action Plan Adopted, 30 October 2020, <https://www.access-info.org/2020-10-30/spain-ogp-action-plan-adopted/>

⁸ Safira Cantos (Hay Derecho), interview by the IRM, 20 November 2024; Camila Cella and Daiana Bouzo (Transparency International España), interview by the IRM, 22 November 2024; AEF - Spanish Archivists in the Civil Service, interview by the IRM, 22 November 2024; David Cabo (Civio), interview by the IRM, 28 January 2025.

⁹ FEMP – Spanish Federation of Municipalities and Provinces, interview by the IRM. Rachel Hanna (Access Info Europe), interview by the IRM, 24 January 2025.

¹⁰ Camila Cella and Daiana Bouzo (Transparency International España), interview by the IRM; Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM.

¹¹ According to the Ministry of Digital Transformation and of the Civil Service, the creation of the Helen Darbshire Fund will revitalize future open government policies in areas where civic space requires additional effort, such as funding.

¹² Manuel Villoria, university professor and member of the Open Government Forum, interview by the IRM, 19 November 2024.

¹³ FEMP – Spanish Federation of Municipalities and Provinces, interview by the IRM, 4 December 2024.

¹⁴ Camila Cella and Daiana Bouzo (Transparency International España), interview by the IRM.

¹⁵ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM, 24 October 2024.

¹⁶ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM.

¹⁷ Safira Cantos (Hay Derecho), interview by the IRM, 20 November 2024; Camila Cella and Daiana Bouzo (Transparency International España), interview by the IRM, 22 November 2024; AEF - Spanish Archivists in the Civil Service, interview by the IRM, 22 November 2024.

¹⁸ Safira Cantos (Hay Derecho), interview by the IRM; Rachel Hanna (Access Info Europe), interview by the IRM; David Cabo (Civio), interview by the IRM.

¹⁹ Rachel Hanna (Access Info Europe), interview by the IRM.

²⁰ David Cabo (Civio), interview by the IRM.

²¹ FEMP – Spanish Federation of Municipalities and Provinces, interview by the IRM.

²² Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM.

²³ *Id.*

²⁴ *Id.*

²⁵ Please note that future IRM assessments will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on 1 January 2022, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

²⁶ Government of Spain, Monitoring of the implementation of Spain’s IV OGP Action Plan, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA.html

Section IV. Methodology

This report supports countries' accountability and learning through assessment of the action plan's level of completion and early results. The report provides in-depth analysis of commitments or clusters that achieved the strongest early results in the action plan. It also assesses the country's participation and co-creation practices throughout the action plan cycle.¹

The IRM products provided during a national action plan cycle include:

- **Co-Creation Brief:** A concise brief that highlights lessons from previous IRM reports to support a country's OGP process, action plan design, and overall learning.
- **Action Plan Review:** A technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning.

In Results Reports, the IRM assesses commitments using two indicators:

Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.² The level of completion for all commitments is assessed as one of the following:

- No Evidence Available
- Not Started
- Limited
- Substantial
- Complete

Early Results

The IRM assesses the level of early results from implementation for each commitment or cluster. To do so, the IRM considers commitments' objective, the country context, the policy area, and the evidence of changes. The Early Results indicator is determined by the depth of change that occurred and the evidence of whether the change will be sustained in time. The early results indicator establishes three levels of results:

- **No Notable Results:** According to the evidence collected (through desk research, interviews, etc.), the implementation of the Open Government commitment led to little or no positive results. After assessing the activities carried forward during the period of implementation and its outcomes (if any), the IRM did not find meaningful changes towards:
 - improving practices, policies, or institutions governing a policy area or within the public sector,
 - enhancing the enabling environment to build trust between citizens and the state.
- **Moderate Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the Open Government commitment led to positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:

- improving practices, policies, or institutions governing a policy area or within the public sector, or
 - enhancing the enabling environment to build trust between citizens and the state.
- **Significant Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the Open Government commitment led to significant positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:
 - improving practices, policies, or institutions governing a policy area or within the public sector, or
 - enhancing the enabling environment to build trust between citizens and the state.

Significant positive results show clear expectations for these changes (as defined above) will be sustainable in time.

This report was prepared by the IRM in collaboration with Nicolás Palomo Hernández and was reviewed by César N. Cruz-Rubio, IRM external expert. The IRM methodology, quality of IRM products, and review process is overseen by the IRM's International Experts Panel (IEP).³ For more information, refer to the IRM webpage⁴ or the glossary of IRM and OGP terms.⁵

¹ For definitions of OGP terms, such as co-creation and promising commitments, see OGP Glossary, <https://www.opengovpartnership.org/glossary/>

² The IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, the IRM assesses "Potential for Results" and "Early Results" at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see Section IV on Methodology in the Action Plan Review.

³ Open Government Partnership, International Experts Panel, Independent Reporting Mechanism, <https://www.opengovpartnership.org/about/who-we-are/international-experts-panel/>

⁴ Open Government Partnership, IRM Overview, <https://www.opengovpartnership.org/irm-guidance-overview/>

⁵ Open Government Partnership, OGP Glossary, <https://www.opengovpartnership.org/glossary/>

Annex I. Commitment Data¹

Commitment 1: Reforming regulatory framework on transparency and accountability

- | | |
|---|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an Open Government lens? Yes • Potential for results: Substantial | <ul style="list-style-type: none"> • Completion: Limited • Early results: Moderate Results |
|---|--|

This commitment aimed to strengthen Spain's regulatory framework on government transparency, a priority for civil society during the consultation phase.² This commitment had three actions: action 1.1, to approve the rules of procedure of transparency; action 1.2, to ratify the Council of Europe Convention on Access to Public Documents (the Tromsø Convention); and action 1.3, to reform Law 19/2013 on Transparency, Access to Public Information and Good Governance (the "Transparency Law").³

Action 1.1 was cancelled because the expected reform of the Transparency Law made it unnecessary to approve the rules of procedure.⁴ One interviewed civil society representative explained that the continuation of this activity would have been helpful since the reform of the Transparency Law was not approved in the end.⁵ Action 1.2 was completed. Spain ratified the Tromsø Convention on 23 October 2023, which entered into force on 1 January 2024.⁶ The ratification of the Tromsø Convention is a step forward in Spain's commitment to access to public documents, according to organizations specializing in the matter.⁷ The Tromsø Convention is the first legally binding international agreement that recognizes a general right of access to public documents held by public authorities (i.e. the government and other public administrations).⁸ Countries that adhere to the Tromsø Convention must ensure that every person has the right to access such documents.⁹

CSOs specializing in access to information claim that the current Transparency Law is not in line with the Tromsø Convention because it does not extend to all information held by all public bodies. It also limits the possibilities for requesting "internal communications" and other documents regulated by other laws on public access to information, such as those held in public archives.¹⁰ A representative of the Spanish Civil Service Archivists states that reforming the Transparency Law was necessary to ensure that the right of access to information applies to all information held by all public bodies, regardless of where the documents are physically located.¹¹ Currently, access to documents held in public archives is regulated by a separate law, so different rights for public access apply.¹² As Spain's existing transparency regulations do not cover public archives, citizens cannot appeal to the Transparency and Good Government Council of the Spanish Agency for Data Protection. Instead, they must initiate an administrative dispute appeal, which is burdensome for the appellant.¹³ The reform of the Transparency Law was expected to address these problems and accelerate Spain's compliance with the Tromsø Convention.

The reform of the Transparency Law (action 1.3) was not approved. Only action 1.3.6 was implemented, finalizing the draft bill to reform the Transparency Law.¹⁴ The preliminary draft

included the amendments mentioned above. It was developed jointly with CSOs through the Open Government Forum’s sub-group on the reform of the Transparency Law. However, the government has not submitted it to parliament and has not provided feedback on this decision. The government did not include the reform of the Transparency Law in its 2024 Annual Regulatory Plan.¹⁵ Instead, it introduced a draft bill on Open Administration.¹⁶ The content of the draft bill on Open Administration is still unclear, and the 2024 Annual Regulatory Plan does not explicitly mention that it will include the reform of the Transparency Law.¹⁷ The Ministry for the Digital Transformation and of the Civil Service does not know when the Open Administration bill will be brought before Parliament.¹⁸

Civil society representatives expressed disappointment in this outcome after the work they invested in the draft bill to reform the Transparency Law. However, one organization believed that the drafting process allowed members of the Open Government Forum to incorporate their demands in the final text.¹⁹ This was a more open process than the usual development of laws in Spain, which generally involves a public consultation phase (open to the public and CSOs) but no co-drafting with non-governmental actors. Moreover, the conclusions and agreements reached in the work of the subgroup on drafting the reform of the Transparency Law were published on the Transparency Portal.²⁰

Commitment 2: Plan to improve and strengthen transparency and accountability

- | | |
|---|---|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an Open Government lens? Yes • Potential for results: Substantial | <ul style="list-style-type: none"> • Completion: Complete • Early results: Moderate results |
|---|---|

This commitment is assessed in Section II above.

Commitment 3: Plan to improve participation in public affairs: development of a participation platform on the online transparency portal

- | | |
|---|---|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an Open Government lens? Yes • Potential for results: Substantial | <ul style="list-style-type: none"> • Completion: Complete • Early results: Moderate results |
|---|---|

Civil society stakeholders raised citizen participation in decision-making as a priority topic during the co-creation of the action plan. This commitment aimed to improve the conditions for citizen participation in public affairs. All activities under this commitment were completed.

Action 3.1 resulted in the development of a participation platform on the Transparency Portal. This was an uncompleted activity from Spain’s third action plan (2017-2019).²¹ By 30 October 2024, the General Secretariat for Digital Administration developed the participation platform. It is currently undergoing testing before its official use and is expected to be included in the “Participation” section of the Transparency Portal used for public consultation processes in regulatory projects and other participatory processes of agencies and ministerial

departments.²² If widely used by ministries and agencies, the Transparency Portal could become a centralized space for public participation. The Ministry for Digital Transformation and of the Civil Service reports that the developers expect to complete the registration of users on the platform shortly.²³ However, there is no date foreseen for its publication.

Action 3.2 included activities to improve the Open Government Forum. Based on feedback from CSOs (see Section III), the working groups monitoring the commitments were reformed to be less formal and provide civil society more opportunities to include their proposals. A call will be published to renew the forum and increase the number of civil society representatives. The renewed forum is expected to monitor the implementation of the fifth action plan.

For action 3.4, the Engineering Systems for the Defence of Spain (ISDEFE) developed the HazLab (hazlab.es) platform with the support of European Union funds.²⁴ It is Spain's first digital space for the collaborative design of public policies.²⁵ In the framework of OGP, HazLab has been used to develop the open government guide and accompanying conferences in the framework of the fourth action plan (see Commitment 7) and for the co-creation workshops of the fifth action plan.²⁶ This tool allows for more efficient online participation of CSOs in the Open Government Forum. HazLab was also used during the second phase of the "Consensus for an Open Administration",²⁷ which included the public administration, several universities, and CSOs.²⁸ The process of developing the Consensus for an Open Administration has involved the participation of more than 300 people from civil society, academia, and public administrations. In 2023, the Ministry for the Digital Transformation and of the Civil Service announced that HazLab was being made freely available for ministerial agencies and departments and other public administrations.²⁹ Several departments are using HazLab to develop projects that require coordination between stakeholders, such as the High Council for Traffic, Road Safety and Sustainable Mobility, the Júcar River Hydrographic Conference, the Association of Victims of Terrorism, and the Inter-Autonomic Network for Citizen Participation (RIPA).³⁰ While Hazlab supports innovation, it is largely limited to experts and organized civil CSOs who are authorized to participate. Users cannot create new groups and must be authorized to participate in working groups.

Action 3.3 resulted in guides on developing and implementing participatory processes and the use of HazLab, on evaluating participation in plans and programs, on evaluating participation through electronic and social media, and on self-evaluation of the General State Administration Bodies involving Civil Society.³¹ Action 3.5 involved awareness-raising activities including eight conferences related to the guide on evaluating participation in plans and programs, online and in-person courses and seminars, and the incorporation of training in the online platforms managed by the Ministry for the Digital Transformation and of the Civil Service and the Open Administration Cycle (*Ciclo Administración Abierta* - an awareness-raising campaign through written content, social media posts, and podcasts).³²

The depth and sustainability of the changes to the Transparency Portal and HazLab remain to be seen. No law mandates government agencies use them for consultations or participation processes. Their use and institutionalization depend on government agencies and departments' willingness to use them for participatory processes within their areas of competence.³³ A university professor specializing in public administration expects that citizen participation in public consultations will remain low in Spain despite these tools.³⁴

Commitment 4: Normative footprint

- | | |
|---|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an Open Government lens? Yes • Potential for results: Substantial | <ul style="list-style-type: none"> • Completion: Limited • Early results: No notable results |
|---|--|

Under this commitment, the Ministry of the Presidency, Justice and Relations with the Courts would develop a “normative footprint” to ensure traceability of inputs from citizens, CSOs, companies, etc., and how these inputs have influenced the design of public policy. The idea for the normative footprint stemmed from a study conducted in the framework of Spain’s third OGP action plan. The study included a diagnostic appraisal of participation in drafting regulations piloted by the Ministry of the Presidency, Justice and Relations with the Courts. It concluded that the citizen participation regulations did not allow for the complete traceability of the regulations, the status of the process, or the influence of participation on the regulation.³⁵

The pilot projects were completed, but no other actions related to implementation, employee training, or evaluation were completed. The Ministry for the Digital Transformation and of the Civil Service attributed the non-completion to the changes in ministerial departments between 2020 and 2024.³⁶ These changes mainly affected the sub-ministerial departments working on public administration and open government. Since 2020, these sub-ministerial departments have been part of three ministries: Territorial Policy and Civil Service, Finance and Civil Service and currently, Digital Transformation of the Civil Service. The ministerial changes led to a lack of continuity in implementing the activities of this commitment.³⁷ A university professor specializing in the topic argued that the approval of the normative footprint should have been tied to the reform of the Transparency Law.³⁸

According to the Ministry for the Digital Transformation and of the Civil Service, the General Technical Secretariat of the Ministry of the Presidency, Justice and Relations with the Courts started the development of the “normative footprint”.³⁹ However, the software for the project was not developed. The National Institute of Public Administration and the Ministry for the Digital Transformation and of the Civil Service aim to continue the normative footprint as part of the “Consensus for an Open Administration,” a framework document for open government reform in the Spanish administration.⁴⁰

The autonomous community of Castile and León completed a similar activity for Commitment 10.47 in November 2020.⁴¹ See “Additional open government commitments by autonomous communities, autonomous cities, and the Spanish Federation of Municipalities and Provinces” at the end of this annex for more details.

Commitment 5: Systems for public integrity

<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an Open Government lens? Yes • Potential for results: Substantial 	<ul style="list-style-type: none"> • Completion: Limited • Early results: No notable results
<p>This commitment envisaged four actions: conducting a diagnostic appraisal and improvement of public integrity systems, adopting a legal framework to regulate lobbying and creating a mandatory lobbyist register, amending the law on incompatibilities of personnel at the service of public administrations, and reinforcing public integrity in artificial intelligence (AI).</p> <p>Only the diagnostic appraisal and improvement of public integrity systems (action 5.1) was completed, through the Integrity System of the General State Administration (Sistema de Integridad de la Administración General del Estado - SIAGE).⁴² The SIAGE was approved on 7 March 2023 by the Coordinating Commission for General Inspections of Departmental Service and approved by the Council of Ministers on 28 January 2025.</p> <p>The regulations around lobbying and the mandatory lobby register (action 5.2) were not completed during the implementation period. The Ministry for the Digital Transformation and of the Civil Service explained that the regulation of lobbying and the mandatory registration of interest groups will be included in the Open Administration Law.⁴³ Subsequently, on 28 January 2025, after the end of the fourth action plan (29 October 2024), the government approved the draft Law on Transparency and Integrity of the Activities of Interest Groups.⁴⁴ The draft was brought to the Congress of Deputies for review on 7 February 2025.⁴⁵ The draft bill obliges lobbyists to register in a Central Register of Interest Groups, managed by the Office of Conflicts of Interest. Registration will be mandatory to engage in lobbying activities with public officials. The draft bill also obliges the incorporation of a normative footprint report into any policy-making process to map which groups influenced the development of the law and how they have done so. The Association of Professionals in Institutional Relations in Spain welcomed the approval of the draft bill and has called for its approval in Parliament.⁴⁶</p> <p>The modification of the Law on Incompatibilities of personnel in the service of public administrations (action 5.3) stalled. A university professor and a civil society representative believe these laws were not approved during the action plan because they were controversial and were strategically delayed to the end of the legislative period.⁴⁷</p> <p>Action 5.4 to strengthen public integrity in AI was not completed. The Centre for Data and Ethics in Innovation was established but the user guides and AI training for public employees were not finished. The Ministry for the Digital Transformation and of the Civil Service attributed the non-completion of this activity to ministerial changes around the competencies on digital transformation, specifically the Secretary of State for Digitalization and Artificial Intelligence.⁴⁸ This Secretary of State was moved from the Ministry of Economic Affairs and Digital Transformation to the current Ministry for the Digital Transformation and of the Civil Service. These changes led to a lack of coordination, making fulfilling this activity challenging.</p>	

Commitment 6: Whistleblower protection

<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an Open Government lens? Yes • Potential for results: Substantial 	<ul style="list-style-type: none"> • Completion: Complete • Early results: Significant results
<p>This commitment is assessed in Section II above.</p>	

Commitment 7: Education and training in Open Government

<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an Open Government lens? Yes • Potential for results: Modest 	<ul style="list-style-type: none"> • Completion: Complete • Early results: Moderate results
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This commitment aimed to provide education and training on open government. It was fully completed. Under action 7.1, the Ministry of the Presidency, Justice and Relations with the Courts (through its associated agency the Centre for Political and Constitutional Studies - CEPC) held an online course in April 2022 for the public, experts, and practitioners. A total of 751 applications were received, of which 195 were accepted. The course consisted of seven modules on topics such as data and technology, access to public information and transparency, citizen participation, co-production of services and public innovation, ethics and integrity, and Sustainable Development Goals.⁴⁹

For action 7.2, the CEPC prepared a guide on open government for the public and experts and practitioners, launched on 9 December 2021.⁵⁰ The guide contains theoretical and practical information on transparency and access to public information, accountability and open government, citizen participation, and integrity and open government.

For action 7.3, the Ministry of Education conducted a training and skills accreditation for rural women. Specifically, it extended the Aula Mentor training program to less densely populated municipalities and encouraged the participation of women. Between 2021 and 2023, 24,190 people were enrolled in the program, 59.3 percent of whom were women.⁵¹

Under action 7.4, the Ministry for the Digital Transformation and of the Civil Service, through the National Institute of Public Administration, (Instituto Nacional de Administración Pública - INAP) organized an open government training plan from 2021 to 2024 for public employees. This was the second training plan in Spain (the first ran from 2018 to 2019).⁵² The training was divided into four topics: transparency and accountability, participation, integrity, and facilitating policies.⁵³ The final evaluation has not yet been published, but in 2021, 9,189 people applied for admission, of which 3,612 were admitted.⁵⁴ The number of spots offered increased in subsequent years due to high demand.⁵⁵

The activities in this commitment (communication, awareness raising, or training) may not have immediate effect or generate significant policy reforms. However, in the long-term, they are key to mainstreaming open government in the public administration. This commitment in the fourth action plan successfully expanded the Spanish government’s efforts under the third OGP action plan (2017-2019) on educating and training students in open government.⁵⁶



Commitment 8: Inclusive communication on Open Government	
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an Open Government lens? Yes • Potential for results: Modest 	<ul style="list-style-type: none"> • Completion: Complete • Early results: Moderate results
<p>This commitment addressed the population’s low awareness of open government reforms. It followed recommendations in the IRM’s Design Report of Spain’s third action plan (2017-2019) to adopt a communication strategy to familiarize the public with OGP and the channels available to participate.⁵⁷</p> <p>All actions were completed.⁵⁸ Action 8.1 consisted of elaborating an inclusive communication plan on open government. The web portal on open government was updated, an online and offline media plan was prepared, dissemination occurred through social networks and posters, and targeted events were held (Open Government Week, Open Government in Your City, etc.).⁵⁹ Spain hosted over 1,300 activities for Open Government Week in 2024 and over 1,200 in 2023.⁶⁰ Additionally, the Citizenship Award (Premio Ciudadanía) was given for quality and innovation in public management.⁶¹ The evaluation of the communication plan has not yet been published.⁶²</p> <p>For action 8.2, competent units of the Ministry for the Digital Transformation and of the Civil Service participated in international events for promoting open government, including, among others, the 5th High Level Expert Group Meeting on Public Administration and Governance, the OGP Global Summit in 2023, and the OGP Europe Regional Meeting in October 2022.⁶³ Action 8.3 included activities related to open government research and debate. The INAP published monographs and organized workshops and conferences on public administration and open government.⁶⁴ Under action 8.4, the Centre for Political and Constitutional Studies (an autonomous agency under the Ministry of the Presidency, Justice and Relations with the Courts) organized four expert seminars on 1) the regulatory framework in the Law on Transparency and Open Government,⁶⁵ 2) rulings of administrative and judicial bodies on the right of access to information,⁶⁶ 3) new technologies and public administration,⁶⁷ and 4) mediation, enforcement, and control of rulings of transparency bodies.⁶⁸</p> <p>Communication activities do not necessarily have immediate effects but are essential to generate a culture of open government in the administration and the public. The IRM assesses this commitment as having had moderate early results. It will be important to ensure that these activities are sustained beyond the action plan cycle.</p>	

Commitment 9: Open Government Observatory	
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an Open Government lens? Yes • Potential for results: Modest 	<ul style="list-style-type: none"> • Completion: Substantial • Early results: No notable results

This commitment aimed to establish an Open Government Observatory to disseminate and recognize best practices by the General State Administration, autonomous communities, and local entities.⁶⁹ The Sub-Directorate General of Open Government of the Ministry for the Digital Transformation and of the Civil Service contacted ministries to gather information on projects in open government, transparency, or public participation.⁷⁰ The open government portal contains the list of the 29 projects included as part of the Observatory.⁷¹ This commitment was the only example of the incorporation of new activities during the implementation period at the request of non-governmental members of the Open Government Forum. Two cases of good practices were incorporated into the Observatory through an addendum to the action plan as suggested by CSOs (ASEDIE and the Open Government Academic Network).⁷² However, not all the actions were completed, such as the Open Registry of Climate Information in Spain (RAICES).

This Observatory could help experts and citizens find examples of open government initiatives at a cross-sectoral level. It provides easy access to each example's summary, objective, and results. However, it is currently only features a limited number of projects in Spain. In the future, the IRM recommends organizing the list thematically according to specific problems or challenges and adding a feature for users to contact those responsible for the projects and suggest new case entries.

Additional open government commitments by autonomous communities, autonomous cities, and the Spanish Federation of Municipalities and Provinces

The fourth action plan included 48 commitments covering all 17 autonomous communities, the two autonomous cities (Ceuta and Melilla), and the Spanish Federation of Municipalities and Provinces (FEMP). The Sub-Directorate General of Open Government of the Ministry for the Digital Transformation and of the Civil Service contacted each autonomous community, autonomous city, and the FEMP to gather projects they had developed or were developing in the areas of open government, transparency, or public participation.⁷³ Autonomous communities and local entities completed 241 (about 80 percent) of their 303 activities. These commitments covered a wide range of topics, including open data, the reuse of data strategies, communication, awareness-raising, or training in open government for civil servants. There were also commitments aimed at developing online citizen participation platforms, participatory budgeting, and promoting the participation of young people in developing public policies. The Ministry for the Digital Transformation and of the Civil Service believes the inclusion of the autonomous communities and local entities was one of the major achievements of the action plan.⁷⁴ They highlighted that the dialogue with autonomous communities and local entities and the FEMP helped promote OGP at all other levels of the Spanish public administration.⁷⁵ While there was some overlap of commitments from autonomous communities in the OGP Local program, others include novel activities that are not included in their respective OGP Local action plans.⁷⁶

Action 10.53, carried out by the FEMP, stood out. This action consisted of consolidating and strengthening the Spanish Network of Local Entities for Transparency and Citizen Participation, to which municipalities adhere voluntarily. Among others, documentary content, guides, and dissemination material on transparency and good governance have been published by all local entities (regardless of whether they are associated with the FEMP).⁷⁷

This action resulted in two sample municipal regulations to facilitate their adoption by smaller municipalities with fewer resources:⁷⁸ one on public transparency⁷⁹ and another one on data government.⁸⁰ The FEMP participated in Spain's third national action plan (2017-2019) and is continuing its involvement in the next (fifth) national action plan, as it considers its participation in OGP action plans essential to promoting transparency and open government at the local level.⁸¹ The initiative carried out by the FEMP can serve as an example for other members on how to include local entities in OGP action plans beyond their participation in the OGP Local program.

Another major success was the development of the normative footprint application in Castile and León (Commitment 10.47), launched in November 2020.⁸² Castile and León launched the online application to consult the normative footprint of the legislation adopted in the autonomous community.⁸³ The application is an accessible, user-friendly tool to consult the footprint of the laws passed in Castile and León, and is an example of good practice in the development of normative footprint applications.⁸⁴

Many commitments from autonomous communities which required legislative changes were not completed. For example, a commitment from Cantabria to develop a Law of Citizen Participation was not completed (Commitment 10.13⁸⁵). This commitment was ambitious, not only at the regional level in Cantabria but also at the national level since there is no Law on Citizen Participation in the General Administration of the State. The regional government of Cantabria approved the draft law in December 2024, after the fourth action plan implementation period had ended.⁸⁶ The law is still being processed in the regional Parliament of Cantabria and has not been approved.

Other ambitious initiatives that were not completed included the approval of transparency laws in the Balearic Islands (Commitment 10.38) and Castile and León (Commitment 10.46). In the case of the Balearic Islands law, the draft law and the Regulatory Impact Analysis Report are currently being written.⁸⁷ In the case of the Castile and León law, the regional government finalized the draft law in October 2021, but the early dissolution of the Parliament of Castile and León in December 2021 and new regional elections in February 2022 prevented the approval of the law.⁸⁸

According to the Ministry for the Digital Transformation and of the Civil Service, the main challenge for autonomous communities and local commitments was political turnover in autonomous communities.⁸⁹ The implementation period coincided with several elections and government changes at the regional level. In some cases, the entry of new regional governments resulted in new legislative priorities and the discontinuation of open government reforms. Nevertheless, the ministry succeeded in tracking the status of each autonomous communities and local commitment through the OGP repository. This was an accomplishment, given the volume of these commitments.

¹ Editorial notes:

1. For commitments that are clustered, the assessment of potential for results and early results is conducted at the cluster level, rather than the individual commitment level.
2. Commitments' short titles may have been edited for brevity. For the complete text of commitments, please see Spain's 2020-2024 action plan: <https://www.opengovpartnership.org/documents/spain-action-plan-2020-2024/>

3. For more information on the assessment of the commitments' design, see Spain's 2020-2024 Action Plan Review: <https://www.opengovpartnership.org/documents/spain-action-plan-review-2020-2024/>

² Government of Spain, IV Plan de Gobierno Abierto 2020-2024 de España (Spain's Fourth Open Government Action Plan 2020-2024), 5 November 2020, https://transparencia.gob.es/transparencia/dam/jcr:d306cd62-cc0f-40a1-9be8-fe24e10d/IVPlanGobiernoAbierto-ES_2020-2024.pdf

³ Government of Spain, Ley 19/2013, de 9 de diciembre, de Transparencia, Acceso a la Información Pública y Buen Gobierno (Law 19/2013, of 9 December, on Transparency, Access to Public Information and Good Governance), <https://www.boe.es/eli/es/l/2013/12/09/19/con>

⁴ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 1.1.1, Commitment 1, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C1/1-1-1-Reglamento-transparencia.html

⁵ David Cabo (Civio), interview by the IRM, 28 January 2025.

⁶ Government of Spain, Instrumento de ratificación del Convenio del Consejo de Europa sobre el acceso a los documentos públicos, hecho en Tromsø el 18 de junio de 2009 (Ratification instrument of the Council of Europe Convention on Access to Public Documents, done at Tromsø on 18 June 2009), [https://www.boe.es/eli/es/ai/2009/06/18/\(1\)](https://www.boe.es/eli/es/ai/2009/06/18/(1))

⁷ AEF - Spanish Archivists in the Civil Service, interview by the IRM, 22 November 2024.

⁸ Council of Europe, Convention on access to official documents enters into force, 1 December 2020, <https://www.coe.int/es/web/portal/-/convention-on-access-to-official-documents-enters-into-force>

⁹ Council of Europe, Convention on Access to Official Documents, 18 June 2009, <https://rm.coe.int/1680084826>

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¹¹ AEF - Spanish Archivists in the Civil Service, interview by the IRM.

¹² *Id.*

¹³ *Id.*

¹⁴ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 1.3.6, Commitment 1, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C1/1-3-6-AnteproyectoLey.html

¹⁵ Government of Spain, Plan Anual Normativo 2024 (Annual Policy Plan), April 2024, https://transparencia.gob.es/transparencia/dam/jcr:00e03e20-a2c7-46cb-a482-00f487896469/PAN_2024.pdf

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Camila Cella and Daiana Bouzo (Transparency International España), interview by the IRM, 22 November 2024.

²⁰ See https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/Grupo-Trabajo-de-Reforma-Ley-de-Transparencia.html

²¹ Government of Spain, III Plan de Gobierno Abierto 2017-2019 de España (Spain's Third Open Government Action Plan 2017-2019), June 2017, https://transparencia.gob.es/transparencia/dam/jcr:cfc2ac4b-a5bb-4fc2-857d-4fbf61864122/2017_07_26_SPA-ENG_III_Plan_OGP_vf-1.pdf

²² Government of Spain, Transparency Portal, Participación pública en proyectos normativos (Public participation in normative projects), https://transparencia.gob.es/transparencia/transparencia_Home/index/ParticipacionCiudadana/ParticipacionProyectosNormativos.html

²³ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM.

²⁴ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 3.4.5, Commitment 3, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C3/3-4-5-Difusion.html

²⁵ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 3.4.5, Commitment 3, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C3/3-4-5-Difusion.html

²⁶ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM.

²⁷ *Id.*

²⁸ National Institute of Public Administration (INAP), Consenso por una administración abierta (Consensus for an Open Administration), 27 March 2024, <https://www.inap.es/documents/10136/2342224/Consenso-por-una-Administracion-Abierta.pdf/0672a0cf-08d3-5414-ee35-9be68a317d86>

- ²⁹ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM.
- ³⁰ *Id.*
- ³¹ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 3.3.6, Commitment 3, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C3/3-3-6-ProcesoEvaluacion.html
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- ³³ Safira Cantos (Hay Derecho), interview by the IRM, 20 November 2024; Camila Cella and Daiana Bouzo (Transparency International España), interview by the IRM; AEPF - Spanish Archivists in the Civil Service, interview by the IRM.
- ³⁴ Manuel Villoria, university professor and member of the Open Government Forum, interview by the IRM, 19 November 2024.
- ³⁵ Government of Spain, IV Plan de Gobierno Abierto 2020-2024 de España (Spain's Fourth Open Government Action Plan 2020–2024), 5 November 2020, https://transparencia.gob.es/transparencia/dam/jcr:d306cd62-cc0f-40a1-9be8-fe24e55510d/IVPlanGobiernoAbierto-ES_2020-2024.pdf
- ³⁶ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM.
- ³⁷ *Id.*
- ³⁸ Manuel Villoria, university professor and member of the Open Government Forum, interview by the IRM, 29 November 2024.
- ³⁹ *Id.*
- ⁴⁰ National Institute of Public Administration (INAP), Consenso por una administración abierta (Consensus for an Open Administration), 27 March 2024, <https://www.inap.es/documents/10136/2342224/Consenso-por-una-Administracion-Abierta.pdf/0672a0cf-08d3-5414-ee35-9be68a317d86>
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- ⁴⁴ Government of Spain, Ministry for the Digital Transformation and of the Civil Service, El Gobierno regula los grupos de interés para garantizar una mayor transparencia, rendición de cuentas y participación pública (The government regulates interest groups to ensure greater transparency, accountability and public participation), 28 January 2025, https://digital.gob.es/portalmtdfp/comunicacion/sala-de-prensa/comunicacion_ministro/2025-01-28_02.html
- ⁴⁵ See https://www.congreso.es/public_oficiales/L15/CONG/BOCG/A/BOCG-15-A-46-1.PDF
- ⁴⁶ Servimedia, APRI celebra el avance hacia una regulación del lobby y reclama un marco normativo equilibrado para lobistas y actores públicos (APRI welcomes progress towards lobbying regulation and calls for a balanced regulatory framework for lobbyists and public actors), 28 January 2025, <https://www.lavanguardia.com/economia/20250128/10329648/apri-celebra-avance-regulacion-lobby-reclama-marco-normativo-equilibrado-lobistas-actores-publicos-agenciasv20250128.html>
- ⁴⁷ Manuel Villoria, university professor and member of the Open Government Forum, interview by the IRM; Safira Cantos (Hay Derecho), interview by the IRM.
- ⁴⁸ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM.
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- ⁵⁰ Centro de Estudios Políticos y Constitucionales (CEPC), Open Government Guide (Guía del Gobierno Abierto), 9 December 2021, <https://www.cepc.gob.es/publicaciones/monografias/guia-de-gobierno-abierto-iv-plan-de-gobierno-abierto>
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- ⁵⁶ Independent Reporting Mechanism, Spain 2017-2019 Implementation Report, pgs 60-61, https://www.opengovpartnership.org/wp-content/uploads/2022/02/Spain_Implementation-Report_2017-2019.pdf
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- ⁶⁰ See https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/sensibilizacion-formacion/SemanaAA/EventosSAA2024.html
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- ⁶⁷ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 8.4.3, Commitment 8, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C8/8-4-3-Reunion3.html
- ⁶⁸ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 8.4.4, Commitment 8, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C8/8-4-4-Reunion4.html
- ⁶⁹ The full aim of the Open Government Observatory is to disseminate and recognize the efforts made within the General State Administration to promote transparency and open data, bring the design and implementation of sectoral public policies closer to the public, improve mechanisms and procedures, create structures for participation and social inclusion, guarantee access to digital infrastructure, enable citizen participation in the digital society, and facilitate the understanding of the legal system for citizens, professionals, and businesses.
- ⁷⁰ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM.
- ⁷¹ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Commitment 9, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C9.html. The ministries that have included examples of good practices in the Observatory are: Ministry of Health; Ministry of Industry, Trade and Tourism; Ministry of Transport Mobility, and Urban Agenda; Ministry for Ecological Transition and the Demographic Challenge; Ministry of the Presidency, Justice and Relations with the Courts (State Agency for the Official State Gazette (BOE)); Ministry of Science and Innovation; Ministry of Universities; Ministry of Social Rights and 2030 Agenda.

⁷² Open Government Partnership, Spain 4th OGP National Action Plan 2020-2024, Addendum June 2021, https://www.opengovpartnership.org/wp-content/uploads/2020/11/Spain_Action-Plan_2020-2024_Addendum_June2021_EN.pdf

⁷³ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Aragon, Asturias, Basque Country, Catalonia, Navarre, Valencia and the city of Madrid belong to the OGP Local program.

⁷⁷ FEMP – Spanish Federation of Municipalities and Provinces, interview by the IRM, 4 December 2024.

⁷⁸ *Id.*

⁷⁹ Red de entidades locales por la transparencia y la participación pública (Network of Local Entities for Transparency and Citizen Participation), Ordenanza tipo de transparencia pública (Sample municipal regulation for public transparency), 5 December 2023, <https://redtransparenciayparticipacion.es/download/ordenanza-tipo-transparencia-publica/>

⁸⁰ Red de entidades locales por la transparencia y la participación pública (Network of Local Entities for Transparency and Citizen Participation), Ordenanza tipo de gobierno de dato (Sample municipal regulation for data government), 5 December 2023, <https://redtransparenciayparticipacion.es/download/ordenanza-tipo-gobierno-del-dato/>

⁸¹ FEMP – Spanish Federation of Municipalities and Provinces, interview by the IRM.

⁸² Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 10.47.4, Commitment 10, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C10/Castilla-y-Leon/10-47-4-PuestaMarcha.html.

⁸³ *Id.*

⁸⁴ Junta de Castilla y León, Huella normativa (Normative footprint), November 2020, <https://gobiernoabierto.jcyl.es/web/es/transparencia/huella-normativa.html>.

⁸⁵ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 10.13, Commitment 10, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C10/Cantabria.html.

⁸⁶ Gobierno de Cantabria, El Consejo de Gobierno aprueba el proyecto de Ley de Participación Ciudadana y Gobierno Abierto (The Government Council approves the draft Law on Citizen Participation and Open Government), 19 December 2024, <https://www.cantabria.es/web/comunicados/w/el-consejo-de-gobierno-aprueba-el-proyecto-de-ley-de-participaci%C3%B3n-ciudadana-y-gobierno-abierto>.

⁸⁷ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 10.38.2, Commitment 10, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C10/Illes-Balears/10-38-2-RedaccionBorrador.html.

⁸⁸ Government of Spain, Transparency Portal, Monitoring of the implementation of Spain's IV OGP Action Plan: Activity 10.46.6, Commitment 10, https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C10/Castilla-y-Leon/10-46-6-TramitacionParlamentaria.html.

⁸⁹ Directorate-General for Citizenship and Open Government, Ministry for the Digital Transformation and of the Civil Service, interview by the IRM.