

# Study to support the preparation of an EU instrument on to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

## Mapping of national legislation – Spain

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
<b>I. General information about the national legal framework</b>		
<b>National legal act(s)</b> governing political advertising	<p>Article 20 of the Spanish Constitution: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1978-31229">https://www.boe.es/buscar/act.php?id=BOE-A-1978-31229</a></p> <p>Articles 53 to 67 of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a></p> <p>Organic Law 8/2007, of 4 July, on the funding of political parties: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022">https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022</a></p> <p>Sole Article of Organic Law 10/1991, of 8 April, on electoral advertising in local radio broadcasts: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478">https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478</a></p> <p>Sole Article of Organic Law 14/1995, of 22 December, of electoral advertising in local television broadcasts through terrestrial waves: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706">https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706</a></p>	<p>Besides the constitutional and general principles and rights regulating the activity of political parties (Spanish Constitution), the principal piece of legislation governing political advertising is Organic Law 5/1985, which regulates the “publicity” and “propaganda” of political parties in electoral campaigns. This law mainly applies to electoral processes at a state and local level.</p> <p>The 17 Spanish autonomous regions (except for Catalonia) have specific legislation on regional electoral processes, which include political advertising, concretely, on the funding of electoral campaigns, publicity and propaganda.</p> <p>Organic Law 8/2007 is aimed at regulating in a comprehensive manner the rules governing the funding of political parties, which include the conditions to receive public and private funding; the applicable tax regime; the accounting obligations; the rules on financial and economic management; audit and control measures; and the corresponding sanction regime in case of breach.</p> <p>Organic Law 10/1991 and Organic Law 14/1995 lay down the restrictions to hire broadcasts in radio and television broadcasts by political parties.</p>

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	<p>Article 26 and 27 of Law 8/1985, of 13 August, of elections in Galicia:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-21380">https://www.boe.es/buscar/act.php?id=BOE-A-1985-21380</a></p> <p>Article 47 of Law 1/1986, of 2 January, of elections of Andalucía:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1986-2788&amp;p=19940525&amp;tn=2">https://www.boe.es/buscar/act.php?id=BOE-A-1986-2788&amp;p=19940525&amp;tn=2</a></p> <p>Article 50 of Law 5/1986, of 23 December, of elections of Castille-La Mancha:  <a href="https://www.boe.es/buscar/pdf/1987/BOE-A-1987-2164-consolidado.pdf">https://www.boe.es/buscar/pdf/1987/BOE-A-1987-2164-consolidado.pdf</a></p> <p>Article 27 and 28 of Law 14/1986, of 26 December, on the regime of elections of the Region of Asturias  <a href="https://boe.es/buscar/pdf/1987/BOE-A-1987-3910-consolidado.pdf">https://boe.es/buscar/pdf/1987/BOE-A-1987-3910-consolidado.pdf</a></p> <p>Article 23, 24 and 29 of Law 8/1986, of 26 November, of elections of the Region of the Balearic Islands:  <a href="https://boe.es/buscar/pdf/1987/BOE-A-1987-2903-consolidado.pdf">https://boe.es/buscar/pdf/1987/BOE-A-1987-2903-consolidado.pdf</a></p> <p>Article 13 and 22 of Law 11/1986, of 16 December, of elections of the Region of Madrid:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-4255">https://www.boe.es/buscar/act.php?id=BOE-A-1987-4255</a></p> <p>Article 22, 23, 35 and 39 of Law 2/1987, of 16 February, of elections of the Region of Aragon:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-5339&amp;tn=2&amp;p=19990417">https://www.boe.es/buscar/act.php?id=BOE-A-1987-5339&amp;tn=2&amp;p=19990417</a></p>	

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	<p>Article 32, 35 and 36 of Law 2/1987, of 16 March, of elections of the Region of Extremadura:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-8817">https://www.boe.es/buscar/act.php?id=BOE-A-1987-8817</a></p> <p>Article 27 to 30 of Law 5/1987, of 27 March, of elections of the Region of Cantabria:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-8958">https://www.boe.es/buscar/act.php?id=BOE-A-1987-8958</a></p> <p>Article 32-34 and 45 of Law 3/1987, of 30 March, of elections of Castilla and Leon:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-9475">https://www.boe.es/buscar/act.php?id=BOE-A-1987-9475</a></p> <p>Article 24, 42, 43 and 44 of Law 16/1986, of 17 November, regulating the elections of the Parliament of Navarre:  <a href="https://boe.es/buscar/pdf/1987/BOE-A-1987-1255-consolidado.pdf">https://boe.es/buscar/pdf/1987/BOE-A-1987-1255-consolidado.pdf</a></p> <p>Article 24, 26 and 35 of Law 2/1987, of 24 February, of elections of the Region of Murcia  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-9474">https://www.boe.es/buscar/act.php?id=BOE-A-1987-9474</a></p> <p>Article 31 and 32 of Law 1/1987, of 31 March, of Valencian Elections:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-9636&amp;p=19870406&amp;tn=2">https://www.boe.es/buscar/act.php?id=BOE-A-1987-9636&amp;p=19870406&amp;tn=2</a></p> <p>Article 68, 68bis, 75, 81, 146 and 151 of Law 5/1990, of 15 June, of elections of the Basque Country:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2012-2859&amp;tn=2&amp;p=20160107">https://www.boe.es/buscar/act.php?id=BOE-A-2012-2859&amp;tn=2&amp;p=20160107</a></p>	

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	Article 32, 33, 34, 47 and 49 of Law 3/19991, of 21 March, of elections of the Region of La Rioja: <a href="https://boe.es/buscar/pdf/1991/BOE-A-1991-7743-consolidado.pdf">https://boe.es/buscar/pdf/1991/BOE-A-1991-7743-consolidado.pdf</a> Article 23 and 31 of Law 7/2003, of 20 March, of elections to the Parliament of the Canary Islands <a href="https://boe.es/buscar/act.php?id=BOE-A-2003-7685&amp;p=20070420&amp;tn=2">https://boe.es/buscar/act.php?id=BOE-A-2003-7685&amp;p=20070420&amp;tn=2</a>	
Legal and/or statutory <b>definition</b> of the notion of “ <b>political advertising</b> ” and “ <b>online political advertising</b> ” (if applicable)	N/A	The Spanish legislation does not define the concept of “political advertising” or “online political advertising”. The Spanish legislation sometimes uses indistinctly the term “publicity” and “propaganda”. The Spanish legislation draws a distinction between the concept of ordinary activities of political entities and their electoral activities (focused on elections to mobilise potential voters).
If not applicable, provide <b>other definitions/terms used in the legislation close to the notion of “political advertising”</b>	Article 50(1) and (4) of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a>	The Spanish legislation does not define the concept of “political advertising” or “online political advertising”, or any other similar concept (such as: electoral campaign publicity or propaganda). Nevertheless, it lays down a definition of “electoral campaign”, which means “all the lawful activities carried out by candidates, parties, federations, coalitions or groupings in order to get votes” (Article 50(4) of Organic Law 5/1985). It also defines the concept of “institutional advertising” as “campaign of institutional nature aimed at informing citizens on the voting date, the voting procedure and the requirements and formalities of absentee voting, without influencing in any manner in the direction of the votes of the electors” (Article 50(1) of Organic Law 5/1985).
<b>Evaluation of the current legislative framework and draft legislations on political</b>	N/A	An evaluation of the rules and practices in place for political advertising and/or online political advertising has not been located. No draft legislation currently discussed in Spain relevant for political advertising and/or online political advertising has been located either.

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advertising and/or online political advertising		
<b>II. Political advertising rules during pre-election campaigns</b>		
Definitions of <b>pre-election campaigns in the Member State (if applicable)</b>	Article 50(4), 51 and 53 of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a>	No definition of “pre-election campaign” is provided by the Spanish legislation. Nevertheless, “electoral campaign”, is defined as “all the lawful activities carried out by candidates, parties, federations, coalitions or groupings in order to get votes” (Article 50(4) of Organic Law 5/1985). In this respect, the “electoral campaign” starts on the 38th day after the calling of the elections, it lasts 15 days and ends at midnight on the day preceding the vote (Article 51 of Organic Law 5/1985).  In this context, it is not allowed to make any electoral publicity or propaganda (including online) outside the campaign period, which only lasts 15 days (Article 53 of Organic Law 5/1985). This prohibition also applies from the calling of the elections until the legal start of the electoral campaign, which can be deemed the “pre-election period” (38 days).
National rules on <b>paid political advertising</b> during pre-election campaigns	Article 53 of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a>	It is not allowed to make any electoral publicity or propaganda (including online) outside the campaign period, which only lasts 15 days (Article 53 of Organic Law 5/1985). This prohibition also applies from the calling of the elections until the legal start of the electoral campaign, which can be deemed the “pre-election period” (38 days).
<b>National rules on financing of political parties/candidates in relation to political adverts</b>	Organic Law 8/2007, of 4 July, on the funding of political parties: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022">https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022</a>	The Spanish legislation (Organic Law 8/2007) sets out that political parties can be funded with public and private funds, and the rules thereof, but no express mention is made on how that funding may be used with regard to political adverts.
National rules on <b>free political advertising (or free airtime)</b> during pre-election campaigns	N/A	In this context, it is not allowed to make any electoral publicity or propaganda (including online) outside the campaign period, which only lasts 15 days (Article 53 of Organic Law 5/1985). This prohibition also

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		applies from the calling of the elections until the legal start of the electoral campaign, which can be deemed the “pre-election period” (38 days). As a consequence, the Spanish legislation only regulates free political advertising during election campaigns.
National rules on political advertising on <b>broadcast media</b> during pre-election campaigns (incl. public service and private broadcasters)	N/A	Same as above, it is not allowed to make any electoral publicity or propaganda (including online) during the “pre-election period” (38 days). As a consequence, the Spanish legislation only regulates political advertising on broadcast media during election campaigns.
National rules on political advertising in <b>print media</b> during pre-election campaigns	N/A	Same as above. The Spanish legislation only regulates political advertising in print media during election campaigns.
National rules on political advertising on <b>online media applicable to political parties</b> , during pre-election campaigns	N/A	Same as above. The Spanish legislation only regulates political advertising on online media applicable to political parties during election campaigns.
Particular rules <b>applicable to online platforms and intermediaries</b> , such as social media, for political advertising during pre-election campaigns	N/A	The Spanish legislation does not provide particular rules to online platforms during pre-election campaigns.
Specific rules relating to “ <b>false information</b> ”, <b>fake news</b> ” or “ <b>disinformation campaigns</b> ” during pre-election campaigns	N/A	The Spanish legislation does not provide rules about the dissemination of “untrue information”, “false information”, “fake news” or ‘disinformation campaigns’ during pre-election campaigns.
<b>III. Political advertising rules during elections period</b>		
Definitions of <b>elections period in the Member State (if applicable)</b>	Article 51 of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a>	The Spanish legislation does not set out a definition of “elections period”, but of “electoral campaign”, which starts on the 38th day after the calling of the elections, it lasts 15 days and ends at midnight on the day preceding the vote (Article 51 of Organic Law 5/1985).

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National rules on <b>paid political advertising</b> during elections period	<p>Article 50(2), 58, 60 and 69(7) of Organic Law 5/1985, of 19 July, of the General Electoral Regime:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a></p> <p>Sole Article of Organic Law 10/1991, of 8 April, on electoral advertising in local radio broadcasts:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478">https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478</a></p> <p>Sole Article of Organic Law 14/1995, of 22 December, of electoral advertising in local television broadcasts through terrestrial waves:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706">https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706</a></p>	<p>During the electoral period (from the calling of the elections to their celebration), it is forbidden any act organised or financed, either directly or indirectly, by the public authorities which contain mentions to any achievements, or that use images or expressions similar to those used in the campaigns of any of the candidate political entities (Article 50(2) of Organic Law 5/1985).</p> <p>Generally speaking, advertising slots in publicly-owned radio and television (terrestrial waves) broadcasts of a local nature cannot be hired by political parties, federations, coalitions and groupings. Nevertheless, during electoral campaigns, those political parties, federations, coalitions and groupings are entitled to free advertising slots for their propaganda, but only for local elections. The applicable legislation is Sole Article of Organic Law 10/1991 and Sole Article of Organic Law 14/1995.</p> <p>During the electoral campaign (starting the 38<sup>th</sup> day after the calling of the elections, for a term of 15 days that ends at midnight), candidates are entitled to advertise in the periodical print media and on private radio stations. The cost of such advertising cannot exceed 20% of the planned expenditure limit for parties, groupings, coalitions or federations and candidates. The applicable legislation is Article 58 of Organic Law 5/1985.</p> <p>On the other hand, it is not allowed to hire electoral publicity in publicly-owned service media and private television broadcasts (Article 60 of Organic Law 5/1985). Nevertheless, political parties, federations, coalitions and groupings participating in the elections are entitled to free advertising slots on the publicly-owned televisions and radios in a percentage that depends on the total number of votes obtained by them in the previous equivalent elections.</p> <p>The publication of pre-voting polls is not allowed five days before the elections date through any communication channel (Article 69(7) of Organic Law 5/1985).</p>



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<b>National rules on financing of political parties/candidates in relation to political adverts</b>	Organic Law 8/2007, of 4 July, on the funding of political parties: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022">https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022</a>	The Spanish legislation (Organic Law 8/2007) sets out that political parties can be funded with public and private funds, and the rules thereof, but no express mention is made on how that funding may be used with regard to political adverts.
National rules on <b>free political advertising (or free airtime)</b> during elections period	Article 60 to 64 of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a> Sole Article of Organic Law 10/1991, of 8 April, on electoral advertising in local radio broadcasts: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478">https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478</a> Sole Article of Organic Law 14/1995, of 22 December, of electoral advertising in local television broadcasts through terrestrial waves: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706">https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706</a>	During the electoral campaign, political parties, federations, coalitions and groupings participating in the elections are entitled to free advertising slots of propaganda in publicly-owned television and radio broadcasts. The allocation of those advertising slots shall be done proportionally to the total number of votes obtained by them in the previous equivalent elections. Generally speaking, advertising slots in local publicly-owned radio and television (terrestrial waves) broadcasts cannot be hired by political parties, federations, coalitions and groupings. Nevertheless, only during local electoral campaigns, those political entities are entitled to free advertising slots for their propaganda (Sole Article of Organic Law 10/1991 and Sole Article of Organic Law 14/1995).
National rules on political advertising on <b>broadcast media</b> during elections period (incl. public service and private broadcasters)	Article 53, 58 and 60 of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a> Sole Article of Organic Law 10/1991, of 8 April, on electoral advertising in local radio broadcasts: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478">https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478</a> Sole Article of Organic Law 14/1995, of 22 December, of electoral advertising in local television broadcasts through terrestrial waves:	It is not allowed to make any electoral publicity or propaganda (including online) outside the campaign period, which only lasts 15 days (Article 53 of Organic Law 5/1985). This prohibition also applies from the calling of the elections until the legal start of the electoral campaign. During the electoral campaign, it is not allowed to hire electoral publicity in publicly-owned service media and private television broadcasts. Nevertheless, candidates are entitled to free advertising slots on the publicly-owned televisions and radios for certain minutes that depend on the total number of votes obtained by them in the previous equivalent elections (Article 60 of Organic Law 5/1985). Moreover, during the electoral campaign, candidates are entitled to advertise in the periodical print media and on private radio stations,



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	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706">https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706</a>	which cost cannot exceed 20% of their planned expenditure limit (Article 58 of Organic Law 5/1985). Generally speaking, advertising slots in local publicly-owned radio and television (terrestrial waves) broadcasts cannot be hired by political parties, federations, coalitions and groupings. Only during local electoral campaigns, those political entities are entitled to free advertising slots for their propaganda (Sole Article of Organic Law 10/1991 and Sole Article of Organic Law 14/1995).
National rules on political advertising in <b>print media</b> during elections period	Article 53 and 58 of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a>	It is not allowed to make any electoral publicity or propaganda (including online) outside the campaign period, which only lasts 15 days (Article 53 of Organic Law 5/1985). This prohibition also applies from the calling of the elections until the legal start of the electoral campaign, which can be deemed the “pre-election period” (38 days). Moreover, during the electoral campaign, candidates are entitled to advertise in the periodical print media and on private radio stations, which cost cannot exceed 20% of their planned expenditure limit (Article 58 of Organic Law 5/1985).
National rules on political advertising on <b>online media applicable to political parties</b> , during elections period	Article 58bis of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a>	During the electoral campaign, political parties, coalitions and electoral groupings may use personal data obtained in websites and other public sources in order to carry out political activities. The sending of electoral propaganda by electronic means shall not be deemed commercial activities or commercial communications. In any case, they shall clearly identify their electoral nature and the addressee shall have an easy and free-of-charge way to exercise his/her right to object.
Particular rules <b>applicable to online platforms and intermediaries</b> , such as social media, for political advertising during elections period	Article 58bis of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a>	During the electoral period (campaign), political parties, coalitions and electoral groupings may carry out campaigns in social media or equivalent means, which shall not be deemed commercial activities or commercial communications. In any case, they shall clearly identify their electoral nature and the addressee shall have an easy and free-of-charge way to exercise his/her right to object.
Specific rules relating to “ <b>false information</b> ,” “ <b>fake news</b> ” or	N/A	There are no specific provisions in Spain about the dissemination of “untrue information”, “false information”, “fake news” or “disinformation

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“disinformation campaigns” during elections period	Article 68 of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a>	campaigns” during elections period. In any case, the Criminal Code will apply and those actions may lead to the commission of a criminal offence.  In any case, Article 68 of Organic Law 5/1985 entitles candidates and leaders of political parties, federations, coalitions or groupings to exercise their right to rectification if any social communication media disseminates facts that they deem to be inaccurate and which may cause them a damage.
<b>IV. Political advertising rules outside of elections period</b>		
National rules on <b>paid political advertising</b> outside of elections period	Article 53 of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a>	Besides electoral publicity and propaganda, ordinary activities of political entities (including political communication or non-electoral campaigns) are not prohibited outside the campaign periods. The rules on the funding of political entities do not specifically regulate political advertising.  As a consequence, it is not allowed to make any electoral publicity or propaganda outside the campaign period, which only lasts 15 days (Article 53 of Organic Law 5/1985). This prohibition also applies from the calling of the elections until the legal start of the electoral campaign, which can be deemed the “pre-election period” (38 days).
<b>National rules on financing of political parties in relation to political adverts</b>	Organic Law 8/2007, of 4 July, on the funding of political parties: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022">https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022</a>	The Spanish legislation (Organic Law 8/2007) sets out that political parties can be funded with public and private funds, and the rules thereof, but no express mention is made on how that funding may be used with regard to political adverts.
National rules on <b>free political advertising (or free airtime)</b> outside of elections period	N/A	There is no free political advertising (or free airtime) outside of elections periods.
National rules on political advertising on <b>broadcast media</b> outside of elections period (incl.	Sole Article of Organic Law 10/1991, of 8 April, on electoral advertising in local radio broadcasts:	Generally speaking, advertising slots in local publicly-owned radio and television (terrestrial waves) broadcasts cannot be hired by political parties, federations, coalitions and groupings. Only during local electoral campaigns, those political entities are entitled to free

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public service and private broadcasters)	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478">https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478</a> Sole Article of Organic Law 14/1995, of 22 December, of electoral advertising in local television broadcasts through terrestrial waves: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706">https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706</a>	advertising slots for their propaganda (Sole Article of Organic Law 10/1991 and Sole Article of Organic Law 14/1995).
National rules on political advertising in <b>print media</b> outside of elections period	N/A	Besides electoral publicity and propaganda, ordinary activities of political entities (including political communication or non-electoral campaigns) are not prohibited outside the campaign periods. The rules on the funding of political entities do not specifically regulate political advertising.
National rules on political advertising on online media <b>applicable to political parties</b> , outside of elections period	Article 20 of the Spanish Constitution: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1978-31229">https://www.boe.es/buscar/act.php?id=BOE-A-1978-31229</a>	Besides electoral publicity and propaganda, ordinary activities of political entities (including political communication or non-electoral campaigns) are not prohibited outside the campaign periods (Article 20 of the Spanish Constitution). The rules on the funding of political entities do not specifically regulate political advertising.  No specific data protection and privacy rules apply to political parties addressing electronic political communication. These communications are subject to the data protection and privacy ordinary regime.
<b>V. Rules and obligations applicable to online platform operators and intermediaries of political advertising</b>		
Particular rules <b>applicable to online platforms and intermediaries</b> such as social media for political advertising	N/A Article 58bis of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a>	There are no particular rules applicable to online platforms and intermediaries (social media) with regard to political advertising. Nevertheless, during the electoral period (campaign), political parties, coalitions and electoral groupings may carry out campaigns in social media or equivalent means, which shall not be deemed commercial activities or commercial communications. In any case, they shall clearly identify their electoral nature and the addressee shall have an easy and free-of-charge way to exercise his/her right to object.
<b>VI. Transparency rules for political parties/candidates funding</b>		

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
Rules on <b>direct public funding<sup>1</sup> to political parties and/or candidates</b>	<p>Article 127 and following of Organic Law 5/1985, of 19 July, of the General Electoral Regime:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a></p> <p>Article 3 and 5 of Organic Law 8/2007, of 4 July, on the funding of political parties:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022">https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022</a></p>	<p>A distinction may be drawn between public electoral grants (to cover electoral costs) and public ordinary grants (to cover functioning costs of political parties):</p> <p>(i) Direct electoral grants: These grants are subject to the conditions laid down in Article 127 and following of Organic Law 5/1985, by which political parties, federations, coalitions or groupings may get direct public funding to cover their electoral costs for the Spanish parliament, EU parliament and local elections (regional elections are subject to the legislation of each specific region). In no case, these direct public grants to each political group shall exceed the amount of the electoral expenses declared and justified by the Court of Auditors. The release of these funds may be subject to the obtaining of political representation in the given institution (e.g., parliament seats) and taking office.</p> <p>Political parties already seating at the parliament may obtain early payments of those grants, up to a maximum amount of 30% of the last grant for the same concept obtained in the last similar elections. These payments shall be returned after the elections with regard to any amount that exceed the funding finally granted corresponding to the then current elections.</p> <p>Those political parties that owe money to the tax administration or social security, or that may have representatives who have been sentenced due to very serious criminal offences (e.g., terrorism), will see these grants refused.</p> <p>Article 127 and following of Organic Law 5/1985 define the concept of electoral costs, how to keep record for their accounting, how to audit and control them with the intervention of the Court of Auditors, and the sanctions regime in case of breach.</p>

<sup>1</sup> Public funding refers to funds or resources provided by the State/Government to political parties and/or candidates. Depending on the form in which public resources are made available, public funding is divided into direct public funding or indirect public funding. Direct public funding corresponds to the allocation of direct public funds to political parties and/or candidates in the form of money, usually as bank transfers but at times in cash or cheque. See more information at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/default>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>(ii) Direct functioning grants: political parties may also obtain funding for other purposes. In particular, political parties represented in the Spanish house of representatives (low chamber of the Parliament or “Congreso de los Diputados”) are entitled to direct public grants of a non-reimbursable nature, as determined by the annual State General Budget, with the purpose of covering their functioning costs. Moreover, that budget may include a yearly allowance to pay their security costs necessary to keep their political and institutional activity. This public funding is granted depending on the number of seats and votes that those political parties have obtained in the last elections of the house of representatives (“Congreso de los Diputados”).</p> <p>The Spanish regions may also grant direct funding to political parties with representation in their regional parliaments, at charge of the regional annual budgets.</p> <p>The abovementioned public grants are incompatible with any other economic or financial grant that is included in the State General Budget and those of the Spanish regions that are aimed at financing the functioning of political parties.</p> <p>State public grants to political parties that exceed an annual amount of EUR 12 million are subject to the prior agreement of the Council of Ministers of the Spanish government.</p> <p>Any public bodies and administrations that grant funding to political parties shall make public the detail of those amounts and of the receiving parties, at least, once a year, according to the Spanish legislation on transparency, access to public information and good governance.</p> <p>Moreover, private donations are possible with the following limits (Article 5 of Organic Law 8/2007):</p> <p>(a) Donations that are anonymous, with a purpose or that are revocable are not allowed.</p> <p>(b) Donations from the same person exceeding EUR 50.000 per year are not allowed. This limit does not apply to donations in kind of real estate properties.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		(c) Donations from legal persons and persons without legal personality are not allowed. Any donations exceeding EUR 25.000 and all donations of real estate properties shall be notified to the Court of Auditors within 3 months from their acceptance.
Rules on <b>indirect public funding<sup>2</sup> to political parties and/or candidates</b>	Article 128 of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a> Article 7(2) of Organic Law 8/2007, of 4 July, on the funding of political parties: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022">https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022</a>	There are no provisions for indirect public funding for electoral campaigns or political functioning, besides the prohibition to get funding from foreign governments or foreign public enterprises or enterprises directly or indirectly related to those governments (Article 7(2) of Organic Law 8/2007). The only exception to this prohibition is the possibility of getting funds from the EU institutions with regard to the elections to the European Parliament and to local electoral bodies (Article 128 of Organic Law 5/1985).
Rules on free or subsidised <b>access to media for political parties and/or candidates</b>	Article 60 to 64 of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a> Sole Article of Organic Law 10/1991, of 8 April, on electoral advertising in local radio broadcasts: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478">https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478</a> Sole Article of Organic Law 14/1995, of 22 December, of electoral advertising in local television broadcasts through terrestrial waves:	During electoral campaigns, political parties, federations, coalitions and groupings are entitled to free advertising slots for their propaganda in: - Publicly-owned local televisions and radios, but only for local elections (Sole Article of Organic Law 10/1991 and Sole Article of Organic Law 14/1995). - Publicly-owned televisions and radios (Article 60 of Organic Law 5/1985). Those advertising slots are allocated according to specific allocation rules that take into account the last results in the previous similar elections, as follows:

<sup>2</sup> Indirect public funding is when resources with a monetary value are provided by the Government to political parties and/or candidates. Such resources may be, for instance, granting of media access (free advertising slots in publicly owned media), interest-free loans for paying registration fees or mounting a basic election campaign, free printing and distribution of ballot papers, use of Government buildings for meetings and rallies, tax-free donations etc. . See the list of indirect public funding of parties and candidates at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/pca02a4>



Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706">https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706</a>	(i) 10 minutes for those political entities that did not participate or did not obtain representation in the last equivalent elections. (ii) 15 minutes for those that did not reach 5% of the valid votes. (iii) 30 minutes for those who had obtained between 5-20% of the valid votes. (iv) 45 minutes for those who had obtained, at least, 20% of the valid votes. The distribution, supervision, enforcement and control of use of these advertising slots is carried out by the main electoral body (Junta Electoral Central).
Rules on <b>foreign contributions to political parties and political campaigns</b>	Article 128(2) of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a> Article 7(2) of Organic Law 8/2007, of 4 July, on the funding of political parties: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022">https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022</a>	It is not allowed to get electoral funding from foreign entities and foreign persons, except from the EU institutions with regard to the elections to the European Parliament and to local electoral bodies (Article 128 of Organic Law 5/1985). Regarding ordinary funding (other than electoral costs), it is prohibited to get funding from foreign governments or foreign public enterprises or enterprises directly or indirectly related to those governments (Article 7(2) of Organic Law 8/2007), but it is possible to get funding with no concrete purpose from foreign natural persons under the same limitations and requirements applicable to any private grant (same rules as for grants coming from Spanish individuals), provided that the legislation to prevent money laundry and on currency exchange is met.
<b>VII. Monitoring and enforcement of national rules on political advertising by national authorities</b>		
National (or regional/local if applicable) <b>authority or body responsible</b> for monitoring national rules on political advertising	Article 8 and following of Organic Law 5/1985, of 19 July, of the General Electoral Regime: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a> Article 9 of Law 3/2013, of 4 June, of the creation of the National Commission of Markets and Competition: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2013-5940">https://www.boe.es/buscar/act.php?id=BOE-A-2013-5940</a>	The electoral activity and any related issue thereto (including political advertising, its funding, etc.) is subject to the monitoring of the so-called “electoral administration” that is integrated by the following “Electoral Boards”: Central, Provincial, Zone or Autonomous Community, and Polling Station. The main and permanent body is the Central Electoral Board that has the support of the Court of Auditors with regard to any financial issue (e.g., use of grants). Regarding advertising in general terms (which includes political advertising outside electoral campaigns), the applicable rules shall be



Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
	<p>Article 35 of Law 34/2002, of 11 July, of services of information society and electronic commerce:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2002-13758">https://www.boe.es/buscar/act.php?id=BOE-A-2002-13758</a></p> <p>Article 15 and following of Organic Law 8/2007, of 4 July, on the funding of political parties:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022">https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022</a></p>	<p>observed by the corresponding media, which are, at the same time, subject to the control of the competent administrative body or judicial authorities. In this respect, with regard to audio-visual broadcasts, this administrative control rests on the Spanish National Commission of Markets and Competition (CNMC) (Article 9 of Law 3/2013); and, with regard to advertising in social and digital media, this administrative control rests on the Ministry of Industry, Commerce and Tourism (Article 35 of Law 34/2002).</p> <p>The irregular or unlawful use or management of funds by political parties (including those used for political advertising) are monitored by the Court of Auditors (Article 15 and following of Organic Law 8/2007).</p>
Particular measures for <b>supervising online political advertising</b> within and outside elections periods	N/A	There are no particular measures for the specific supervision of online political advertising within and outside election periods.
<b>Sanctions, penalties and remedy measures</b> applicable in violation of the law	<p>Article 153 of Organic Law 5/1985, of 19 July, of the General Electoral Regime:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a></p> <p>Article 17bis of Organic Law 8/2007, of 4 July, on the funding of political parties:  <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022">https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022</a></p>	<p>The administrative authorities with enforcement powers have been identified above.</p> <p>For the infringement of electoral rules regarding political advertising (not criminal offence), economic fines may be imposed amounting to EUR 100 to 1.000.</p> <p>Regarding infringements of political advertising related to the funding of political parties, the fines can vary from EUR 5.000 to EUR 100.000, or to a multiple (x2 or x 5) calculated on the amount affected by the infringement and which shall be calculated on the seriousness of the given infringement.</p> <p>In addition, the Criminal Code sets out that the unlawful financing of political parties, federations, coalitions or electoral groups is a criminal offence (Articles 304bis and ter), with the following sanctions:</p> <p>(i) A fine amounting to 3-5 times the value of the given unlawful private donations.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>(ii) Imprisonment from 6 to 4 years and an economic fine amounting to 3-5 times the value of the private funding if (a) the unlawful funding exceeds EUR 500.000 or (b) the allowed private funding (EUR 50.000) is exceeded with an additional funding of EUR 500.000.</p> <p>(iii) The same penalty as in point (ii) for donations from foreign governments and foreign public entities or related thereto for an amount exceeding EUR 100.000.</p> <p>The same sanctions shall be imposed to the donors.</p>

## Annex – List of relevant legislation

- In this Annex, please list all the sources provided in the second column of the table

Name of the sources	Link to the sources	Sources translated into EN
Constitución Española	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1978-31229">https://www.boe.es/buscar/act.php?id=BOE-A-1978-31229</a>	Spanish Constitution
Ley Orgánica 5/1985, de 19 de junio, del Régimen Electoral General	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672">https://www.boe.es/buscar/act.php?id=BOE-A-1985-11672</a>	Organic Law 5/1985, of 19 July, of the General Electoral Regime
Ley Orgánica 8/2007, de 4 de julio, sobre financiación de los partidos políticos	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022">https://www.boe.es/buscar/act.php?id=BOE-A-2007-13022</a>	Organic Law 8/2007, of 4 July, on the funding of political parties
Ley Orgánica 10/1991, de 8 de abril, de publicidad electoral en emisoras municipales de radiodifusión sonora	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478">https://www.boe.es/buscar/act.php?id=BOE-A-1991-8478</a>	Organic Law 10/1991, of 8 April, on electoral advertising in local radio broadcasts
Ley Orgánica 14/1995, de 22 de diciembre, de publicidad electoral en emisoras de televisión local por ondas terrestres	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706">https://www.boe.es/buscar/act.php?id=BOE-A-1995-27706</a>	Organic Law 14/1995, of 22 December, of electoral advertising in local television broadcasts through terrestrial waves
Ley 8/1985, de 13 de agosto, de elecciones al Parlamento de Galicia	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-21380">https://www.boe.es/buscar/act.php?id=BOE-A-1985-21380</a>	Law 8/1985, of 13 August, of elections in Galicia
Ley 1/1986, de 2 de enero, Electoral de Andalucía	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1986-2788&amp;p=19940525&amp;tn=2">https://www.boe.es/buscar/act.php?id=BOE-A-1986-2788&amp;p=19940525&amp;tn=2</a>	Law 1/1986, of 2 January, of elections of Andalucía
Ley 5/1986, de 23 de diciembre, electoral de Castilla-La Mancha.	<a href="https://www.boe.es/buscar/pdf/1987/BOE-A-1987-2164-consolidado.pdf">https://www.boe.es/buscar/pdf/1987/BOE-A-1987-2164-consolidado.pdf</a>	Law 5/1986, of 23 December, of elections of Castille-La Mancha
Ley 14/1986, de 26 de diciembre, sobre régimen de elecciones a la Junta General del Principado de Asturias	<a href="https://boe.es/buscar/pdf/1987/BOE-A-1987-3910-consolidado.pdf">https://boe.es/buscar/pdf/1987/BOE-A-1987-3910-consolidado.pdf</a>	Law 14/1986, of 26 December, on the regime of elections of the Region of Asturias

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Ley 8/1986, de 26 de noviembre, Electoral de la Comunidad Autónoma de las Islas Baleares	<a href="https://boe.es/buscar/pdf/1987/BOE-A-1987-2903-consolidado.pdf">https://boe.es/buscar/pdf/1987/BOE-A-1987-2903-consolidado.pdf</a>	Law 8/1986, of 26 November, of elections of the Region of the Balearic Islands
Ley 11/1986, de 16 de diciembre, Electoral de la Comunidad de Madrid	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-4255">https://www.boe.es/buscar/act.php?id=BOE-A-1987-4255</a>	Law 11/1986, of 16 December, of elections of the Region of Madrid
Ley 2/1987, de 16 de febrero, Electoral de la Comunidad Autónoma de Aragón	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-5339&amp;tn=2&amp;p=19990417">https://www.boe.es/buscar/act.php?id=BOE-A-1987-5339&amp;tn=2&amp;p=19990417</a>	Law 2/1987, of 16 February, of elections of the Region of Aragon
Ley 2/1987, de 16 de marzo, de Elecciones a la Asamblea de Extremadura	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-8817">https://www.boe.es/buscar/act.php?id=BOE-A-1987-8817</a>	Law 2/1987, of 16 March, of elections of the Region of Extremadura
Ley 5/1987, de 27 de marzo, de Elecciones a la Asamblea Regional de Cantabria	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-8958">https://www.boe.es/buscar/act.php?id=BOE-A-1987-8958</a>	Law 5/1987, of 27 March, of elections of the Region of Cantabria
Ley 3/1987, de 30 de marzo, Electoral de Castilla y León	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-9475">https://www.boe.es/buscar/act.php?id=BOE-A-1987-9475</a>	Law 3/1987, of 30 March, of elections of Castilla and Leon
Ley Foral 16/1986, de 17 de noviembre, reguladora de las elecciones al Parlamento de Navarra	<a href="https://boe.es/buscar/pdf/1987/BOE-A-1987-1255-consolidado.pdf">https://boe.es/buscar/pdf/1987/BOE-A-1987-1255-consolidado.pdf</a>	Law 16/1986, of 17 November, regulating the elections of the Parliament of Navarre
Ley 2/1987, de 24 de febrero, Electoral de la Región de Murcia	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-9474">https://www.boe.es/buscar/act.php?id=BOE-A-1987-9474</a>	Law 2/1987, of 24 February, of elections of the Region of Murcia
Ley 1/1987, de 31 de marzo, Electoral Valenciana	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1987-9636&amp;p=19870406&amp;tn=2">https://www.boe.es/buscar/act.php?id=BOE-A-1987-9636&amp;p=19870406&amp;tn=2</a>	Law 1/1987, of 31 March, of Valencian Elections
Ley 3/1991, de 21 de marzo, de elecciones a la Diputación General de La Rioja.	<a href="https://boe.es/buscar/pdf/1991/BOE-A-1991-7743-consolidado.pdf">https://boe.es/buscar/pdf/1991/BOE-A-1991-7743-consolidado.pdf</a>	Law 3/1991, of 21 March, of elections of the Region of La Rioja
Ley 5/1990, de 15 de junio, de Elecciones al Parlamento Vasco	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-2012-2859&amp;tn=2&amp;p=20160107">https://www.boe.es/buscar/act.php?id=BOE-A-2012-2859&amp;tn=2&amp;p=20160107</a>	Law 5/1990, of 15 June, of elections of the Basque Country
Ley 7/2003, de 20 de marzo, de Elecciones al Parlamento de Canarias	<a href="https://boe.es/buscar/act.php?id=BOE-A-2003-7685&amp;p=20070420&amp;tn=2">https://boe.es/buscar/act.php?id=BOE-A-2003-7685&amp;p=20070420&amp;tn=2</a>	Law 7/2003, of 20 March, of elections to the Parliament of the Canary Islands
Ley 3/2013, de 4 de junio, de creación de la Comisión Nacional de los Mercados y la Competencia	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-2013-5940">https://www.boe.es/buscar/act.php?id=BOE-A-2013-5940</a>	Law 3/2013, of 4 June, of the creation of the National Commission of Markets and Competition

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Ley 34/2002, de 11 de julio, de servicios de la sociedad de la información y de comercio electrónico	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-2002-13758">https://www.boe.es/buscar/act.php?id=BOE-A-2002-13758</a>	Law 34/2002, of 11 July, of services of information society and electronic commerce
Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal	<a href="https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444">https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444</a>	Organic Law 10/1995, of 23 November, of the Criminal Code