

**2022 REPORT ON THE APPLICATION OF THE EU CHARTER OF FUNDAMENTAL
RIGHTS:
THE CIVIC SPACE AND ITS ROLE IN PROTECTING AND PROMOTING THE
FUNDAMENTAL RIGHTS UNDER THE CHARTER**

CONSULTATION OF EU MEMBER STATES

Questionnaire: SPAIN

A – The role of CSOs and rights defenders in ensuring the effective implementation of the Charter at national level

1. How do CSOs contribute to activities aimed at making the fundamental rights enshrined in the Charter a reality in your country? Please give examples.

In Spain, civil society organisations contribute to the implementation and consolidation of the fundamental rights enshrined in the Charter in several ways. Firstly, by carrying out information, awareness-raising and training campaigns, they manage to disseminate and consolidate the content of the Charter both in society in general and at a specific level in the sphere of specific sectors and competent professionals. Secondly, they carry out important work for the protection of victims of different types of violence or affected by adverse circumstances (e.g. women victims of gender violence, minors victims of some type of violence, people affected by some type of accident or catastrophe, etc.), which in turn guarantees a greater safeguarding of these rights in practical terms. Finally, they also carry out work to defend fundamental rights at an institutional and judicial level, by means of figures such as the popular accusation.

The areas in which civil society organisations have an impact are diverse. Thus, we can find, among others, organisations dedicated to the protection of goods of general interest, such as the environment or culture, organisations dedicated to the protection of human rights at a general or specific level, or organisations that protect the interests of specific groups, such as consumer or professional associations. These organisations can take various forms, which in turn depend on the material field in which they work, such as citizens' associations, charities, non-governmental organisations, social clubs, religious groups or neighbourhood associations.

In Spain, civil society organisations have joined together in the Third Sector Platform, which brings together 28,000 CSOs that defend the fundamental rights proclaimed in the Charter in different sectoral areas. To consult the activities and role of CSOs:

<http://www.plataformatercersector.es/>

There are many areas of collaboration with this type of entities, such as the Social Inclusion Network, co-financed by the European Social Fund, whose activities can be consulted at the following link: <http://redinclusion-social.es/que-es-la-ris/>

In addition to the awareness-raising and assistance activities carried out by CSOs, it is worth highlighting their participation in consultative councils and for participation in different public policies.

For example, in the field of education, among others, CSOs participate in education policy through the State School Council:

<https://www.educacionyfp.gob.es/mc/cee/portada.html>

In the defence of the principle of equality and non-discrimination, women's organisations participate in the Women's Participation Council:

<https://www.inmujeres.gob.es/elInstituto/consejomujer/home.htm>

In the field of protection of persons with disabilities, CSOs participate through the National Council on Disability:

<https://www.mdsocialesa2030.gob.es/derechos-sociales/discapacidad/informacion/consejo-nacional-discapacidad-entidades.htm>

In the field of equal treatment and fight against racism and xenophobia, CSOs participate through the Council for the Promotion of Equal Treatment and Non-Discrimination of Persons on the Basis of Racial or Ethnic Origin:

<https://igualdadynodiscriminacion.igualdad.gob.es/elConsejo/portada/home.htm>

2. In which areas do CSOs contribute the most to the protection of fundamental rights?

See answer to the previous question. They contribute in all areas, but in a particularly significant way in the socio-labour, particularly vulnerable groups and social inclusion, gender equality and equality and non-discrimination and environment sectors. Of particular significance due to their cross-cutting nature is the contribution of these organisations to policy related to the implementation of the 2030 Agenda and in Open Government Plans to promote transparency and accountability, participation and public integrity and collaboration with society. See, among others, the Sustainable Development Council ([Consejo de desarrollo Sostenible](#)) or the Open Government Forum ([Foro de Gobierno Abierto](#)).

3. How do rights defenders, including NHRIs, Equality bodies and Ombuds-institutions, contribute to activities aimed at making the fundamental rights enshrined in the Charter a reality in your country? Please give examples.

In Spain, the Ombudsman, in addition to being the High Commissioner of the Parliament (Cortes Generales) for the defence of constitutional rights, is also officially the National Human Rights Institution (NHRI), recognised as such by the United Nations.

Its main function is the protection of the rights included in Title I of the Spanish Constitution (of fundamental rights and duties), for which purpose it supervises the activity of the Administration, reporting to the Parliament. The Ombudsman contributes to ensuring compliance with the rights set out in the Charter insofar as this institution is responsible for guaranteeing the protection of the rights set out in Title I of the Spanish Constitution, which coincide with those recognised therein. You can find more information about the functions and activities of the Ombudsman at the following link: <https://www.defensordelpueblo.es/>

In some Autonomous Communities there are regional institutions equivalent to the Ombudsman:

- Andalucía, [Defensor del Pueblo Andaluz](#);
- Galicia, [Valedor do Pobo Galego](#);
- Aragón, [Justicia de Aragón](#);
- Canarias, [Diputado del Común de Canarias](#);
- Navarra, [Defensor del Pueblo de Navarra](#);
- Castilla y León, [Procurador del Común de Castilla y León](#);
- País Vasco, [Ararteko](#);
- Cataluña, [Síndic de Greuges de Catalunya](#);
- Comunitat Valenciana, [Síndic de Greuges de la Comunitat Valenciana](#).

In addition to the Ministry of Equality, whose organisation and functions can be consulted at this link: <https://www.igualdad.gob.es/ministerio/funciones/Paginas/index.aspx> , there are also equality bodies at both national and regional level:

<https://www.inmujeres.gob.es/servRecursos/organismos/ambitoEstatal/home.htm>

CSOs also contribute to the design and implementation of public policies through collegiate bodies and councils for their participation, as shown in the examples above.

4. In which areas do right defenders contribute the most to the protection of fundamental rights?

The entities described above work especially in the protection of the fundamental rights set out in Title I of the Spanish Constitution, Articles 14 to 29. These correspond to the fundamental rights contained in the Charter relating to: the right to equality and non-discrimination, the right to life and personal integrity, the right to liberty and security, the right to freedom of thought, conscience and religion, freedom of expression and information, freedom of movement and residence, freedom of assembly and association, the right to effective judicial protection and to an impartial judge, the right to education, professional freedom and the right to work, and the right to petition.

B – The work of the Member States to protect CSOs and rights defenders

5. How do you ensure that CSOs and rights defenders work in a safe and enabling environment?

Spain has legislation that guarantees fundamental rights and provides a safe environment for civil society organisations and their members, both in terms of their constitution and the development of their activities. It also has legislation such as Law 45/2015, of 14 October, on Volunteering ([Ley 45/2015, de 14 de octubre, de Voluntariado](#)) and Law 43/2015, of 9 October, on the Third Sector of Social Action ([Ley 43/2015, de 9 de octubre, del Tercer Sector de Acción Social](#)).

In addition to Spain's active participation, through the Youth Institute, INJUVE, in the European Solidarity Corps: <http://cuerpoeuropeodesolidaridad.injuve.es/es>.

In the last decade, Spain has promoted an environment of transparency and citizen participation, through the Open Government Plans, which promotes public action based on the principles of transparency, integrity, accountability and stakeholder participation, within the framework of our country's participation in the Open Government Alliance ([Alianza para un Gobierno Abierto](#)), as provided for in the OECD Council Recommendation on Open Government of 14/12/2017.

The organisation and activities promoted in the framework of Open Government, as well as the updated implementation status of its commitments, can be consulted on the transparency portal: [https://transparencia.gob.es/transparencia/transparencia Home/index/Gobierno-abierto/que-es_organizacion.html](https://transparencia.gob.es/transparencia/transparencia/Home/index/Gobierno-abierto/que-es_organizacion.html)

6. Please explain the main features of the legal framework applicable to CSOs (for example, rules on declaration/registration/dissolution, rules governing the exercise of their activities, court decisions relating to the application of this legal framework, etc.). Please add relevant references to such rules.

Law 43/2015, of 9 October, on the Third Social Action Sector ([Ley 43/2015, de 9 de octubre, del Tercer Sector de Acción Social](#)) constitutes the regulatory framework for civil society organisations and aims to strengthen their capacity as interlocutors before the General State Administration for the design, implementation and monitoring of public policies in the social sphere, in order to ensure the harmonious development of social policies, the correct identification of the needs of the groups affected and the optimal use of resources.

The Law guarantees the real and effective participation of third social action sector entities, in accordance with the principle of civil dialogue, in the procedures for drafting, developing, executing,

monitoring and reviewing social regulations and policies, within the scope of the State Administration, through participation bodies, ensuring permanent mechanisms for dialogue.

Besides, Organic Law 1/2002, of 22 March ([Ley Orgánica 1/2002, de 22 de marzo, reguladora del derecho de asociación](#)), regulates the right of association, under the protection of which the entities are constituted. Entities must be registered in the National Register of Associations under this law and under Article 22 of the Constitution. This registration gives them publicity and a series of legal safeguards, such as the guarantee vis-à-vis third parties that the entity has been legally constituted. This register depends on the Ministry of the Interior and can contain various facts relating to the legal life of the entity, beyond its own constitution, such as the modification of its statutes.

7. Do you have in place a system for reporting and monitoring threats or attacks (including physical attacks) on CSOs activists and rights defenders? If yes, how does it work?

The general provisions relating to the prevention, protection and prosecution of crimes provided for in Organic Law 10/1995, of 23 November, on the Criminal Code ([Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal](#)) and in Law 4/2015, of 27 April, on the Statute of the Victim of Crime ([Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito](#)), are applicable.

In addition, it should be mentioned that the IV Open Government Plan 2020-2024 includes a [commitment to approve a Whistleblower Protection Act](#).

8. Do you provide for, support, or finance an alert mechanism and/or supporting services in case of physical and on-line attacks to CSOs activists and rights defenders?

See answer to previous question.

9. Are you part of the Open Government Partnership (OGP)¹? If yes, could you share the link to your latest OGP action plan?

Yes, Spain is a founding member of the OGP in which it has participated since 2011.

The link to the latest Spanish Open Government Action Plan 2020-2024 is:
<https://www.opengovpartnership.org/documents/spain-action-plan-2020-2024/>

The IV Plan can also be consulted in the open government section of the Transparency Portal of the General State Administration:
https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/planes-accion/documentos_IVPlan.html

10. Do you assess how CSOs are impacted by legislative proposals in the legislative preparatory work? If yes, please briefly describe the process/mechanism.

In Spain, the process of drafting and adopting draft legislation and regulations includes a regulatory impact analysis, which takes the form of a Regulatory Impact Analysis Report (MAIN), which systematises and organises the important information needed to assess the impact of a regulatory initiative. The purpose of the MAIN is to ensure that, at the time of drafting and approving a project, all the necessary information is available to estimate the impact that the regulation will have on its recipients and agents, thus also assessing the impact on civil society organisations. The following link contains the applicable legislation, guidelines for drafting MAINs and other links of interest:
<http://www.mptfp.es/portal/funcionpublica/gobernanza-publica/simplificacion/impacto-normativo.html>

¹ <https://www.opengovpartnership.org/>

On the other hand, the legislative drafting process in Spain includes an open consultation with the public prior to the drafting of the text and a subsequent public hearing and information period during which CSOs, as well as the rest of the public, can intervene in the legislative process by making contributions to both the MAIN and the draft itself.

11. Do you consider it necessary to improve the cooperation between Member States and the EU to strengthen the level of protection of CSOs and rights defenders working to protect fundamental rights? How?

The current level of cooperation between Member States and EU institutions is adequate. However, this is not an impediment to considering initiatives aimed at improving the protection of these organisations, which are fundamental to improving the quality of democracy, by promoting their participation in the design, implementation and evaluation of national and EU public policies.

C – The work of the Member States to support CSOs and rights defenders

12. Please indicate which public authorities are competent to disburse public funding and the main programmes of funding available at national and local level for CSOs working to protect and promote fundamental rights.

Organic Law 1/2002, of 22 March 2002, regulating the Right of Association ([Ley Orgánica 1/2002, de 22 de marzo, reguladora del Derecho de Asociación](#)), provides for the possibility of access to subsidies and aid granted by the different public administrations for associations pursuing objectives of general interest, for which a considerable number of civil society organisations are eligible.

Law 38/2003 of 17 November 2003 on General Subsidies ([Ley 38/2003, de 17 de noviembre, General de Subvenciones](#)) regulates the funds available to civil society organisations, among others. The Law establishes that the bodies of public administrations or any other entities proposing the establishment of subsidies must first specify - in a strategic subsidy plan - the objectives and effects sought through their application, the period necessary to achieve them, the foreseeable costs and their sources of funding, subject in all cases to compliance with budgetary stability objectives.

In addition, Royal Decree 887/2006 of 21 July 2006, which approves the Regulations of Law 38/2003 of 17 November 2003 on General Subsidies ([Real Decreto 887/2006, de 21 de julio, por el que se aprueba el Reglamento de la Ley 38/2003, de 17 de noviembre, General de Subvenciones](#)), regulates various aspects of strategic subsidy plans. This regulation requires each ministry to approve a plan covering the subsidies of both its own bodies and those of the agencies and other public entities linked to it, specifies its scope and content and, finally, establishes that it must be updated annually in accordance with the relevant information available.

The competent authorities are the heads of the high and executive bodies of the ministries.

The Autonomous Regions and local authorities also adopt their own strategic subsidy plans, applying their respective regulatory frameworks.

Although there are numerous lines of contribution to CSO funding, a new double-tranche model is being developed since 2017 with regard to Third Sector Entities due to Spain's territorial structure, which is strongly decentralised and, according to which, the Autonomous Communities have broad competences in social affairs. This new model has worked in the calls for proposals, with 20% of the funds going to state-level eligible activities and 80% to the Autonomous Regions to subsidise social assistance programmes. For the 2021 call for applications, funds from the 0.7% personal income tax have been added to this distribution.

For the state part, see:

https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-16033

- a. How do authorities select the CSOs, and what are the main conditions they have to fulfil?

Article 22 of Law 38/2003 of 17 November 2003 on General Subsidies establishes that the procedure for selecting grant beneficiaries must be carried out on a competitive basis. This process means that the selection of the entity to receive the subsidy must be carried out after comparing the applications submitted and prioritising them on the basis of the assessment criteria, which must have been previously established in the regulatory bases and the call for applications for the subsidy in question.

In addition, Article 13 of Law 38/2003 of 17 November 2003 on General Subsidies stipulates the general conditions to be fulfilled by entities receiving subsidies. Secondly, the article sets out a series of circumstances under which it is not possible for an entity to be a beneficiary of a grant, including not being up to date with tax or social security obligations, or having filed for voluntary insolvency proceedings.

- b. How do authorities ensure a fair distribution of funds among CSOs?

Law 38/2003 of 17 November 2003 on General Subsidies provides for the requirement of publicity with regard to the assessment criteria of the applications submitted for the award of a subsidy, so that any applicant entity, including civil society organisations, may be aware of them a priori.

- c. Is there public funding available for organisations' core costs for administrative expenditures and infrastructure?

The granting of subsidies to finance the administrative and infrastructure-related costs of civil society organisations is subject to the general regime of Law 38/2003 of 17 November 2003 on General Subsidies, provided that the activities in question comply with the conditions and requirements stipulated by the law and the regulatory bases and call for applications for the subsidy for which they are applying.

- d. Is there public funding available for human rights advocacy?

The granting of subsidies for activities to promote human rights is subject to the general regime of Law 38/2003, of 17 November, General Law on Subsidies, as they fall within the objective scope of this law.

Every year, the Ministry of Foreign Affairs, European Union and Cooperation publishes a call for grants and subsidies for activities aimed at disseminating, promoting and defending human rights. This call is aimed at non-governmental organisations, institutions and public or private entities, both Spanish and foreign, which are non-profit making and which are dedicated to activities for the promotion and dissemination of knowledge of human rights with international projection.

This year's call can be found at the following link:

https://www.boe.es/diario_boe/txt.php?id=BOE-A-2002-5310

In addition, there are funds associated with the defence of human rights at the national level in multiple sectoral areas and especially in the area of equality, activities of Third Sector Organisations.

By way of example, in addition to those already mentioned in previous sections, there is also the line of aid for projects for the care of women victims of human trafficking for sexual exploitation and their minor or disabled children for the financing of projects aimed at the care and assistance of women victims of trafficking for sexual exploitation and their minor or disabled children, including victims of trafficking who have availed themselves of the reflection period provided for in Article 59 bis of Organic

Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration: <https://violenciagenero.igualdad.gob.es/otrasFormas/trata/subvenciones/home.htm>

In the area of the right to life and integrity, you can also consult the call for grants for associations, foundations and non-profit organisations whose purpose is to represent and defend the interests of victims of terrorism:

https://www.boe.es/diario_boe/txt.php?id=BOE-B-2022-4764

13. Do you have a system in place to get an overview or to coordinate the funding opportunities available at the different levels? By whom is it coordinated, and how does it work?

Law 38/2003, of 17 November, on General Subsidies provides for a coordination mechanism between the different public administrations regarding financial control of subsidies, including those granted to civil society organisations.

14. Has any process to simplify and speed up access to funding been considered/adopted/implemented?

Article 33 of Law 39/2015 of 1 October 2015 on the Common Administrative Procedure for Public Administrations ([Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas](#)) provides for the possibility of agreeing, ex officio or at the request of the interested party, the urgent processing of a procedure such as that for the award of grants. Such emergency processing entails the reduction of all deadlines by half, except those relating to the submission of applications and appeals.

15. Does your taxation system provide for a tax exception/relief/incentive in case of donations to CSOs?

Yes, Law 49/2002 of 23 December 2002 on the tax regime for non-profit organisations and tax incentives for patronage ([Ley 49/2002 de 23 de diciembre, de régimen fiscal de las entidades sin fines lucrativos y de los incentivos fiscales al mecenazgo](#)) establishes the set of incentives applicable to patronage activities. Patronage is understood as private participation in the performance of activities of general interest. In particular, donations, gifts and contributions made to the entities listed therein shall be eligible for the incentives provided for in the aforementioned Law.

In addition, this legal framework is supplemented, in the case of donations made by resident individuals, by Article 68(3) of Law 35/2006 of 28 November on Personal Income Tax and partially amending the Corporate Income Tax, Non-Resident Income Tax and Wealth Tax Laws ([Ley 35/2006, de 28 de noviembre, del Impuesto sobre la Renta de las Personas Físicas y de modificación parcial de las leyes de los Impuestos sobre Sociedades, sobre la Renta de no Residentes y sobre el Patrimonio](#)), which regulates, in addition to the deductions provided for in Law 49/2002, a deduction of 10% of the amounts donated to legally recognised foundations and associations declared to be of public utility that are not covered by Law 49/2002.

Besides, Autonomous Regions, in exercise of the powers conferred on them by article 46 of Law 22/2009, of 18 December, which regulates the financing system of the Autonomous Regions under the common system and Cities with a Statute of Autonomy and amends certain tax regulations, have established deductions from the regional income tax liability for donations to these types of entities in a number of different cases:

a) Cultural. The Autonomous Regions of Galicia, Cantabria, La Rioja, the Region of Murcia, Castile-La Mancha, the Canary Islands, the Balearic Islands, the Valencian Community and the Communities of Madrid and Castile-Leon.

- b) Promotion of scientific research and/or technological development and innovation. The Autonomous Regions of Catalonia, Galicia, La Rioja, the Region of Murcia, Aragon, Castile-La Mancha, the Canary Islands, the Balearic Islands, the Comunitat Valenciana and the Community of Castile-Leon.
- c) Environmental. The Autonomous Regions of Catalonia, Andalusia, Aragon, the Canary Islands, the Community of Valencia and the Community of Castile-Leon.
- d) Other deductions for donations (for sporting, welfare, educational, health, social inclusion, language policy, etc.). The Autonomous Regions of Catalonia, Cantabria, La Rioja, the Region of Murcia, Castile-La Mancha, the Canary Islands and the Balearic Islands, the Communities of Madrid and Castile-Leon and the Valencian Community have established deductions of this type.

16. What is the legal framework applicable to donations for other EU countries or third countries to CSOs?

Article 2 of Law 49/2002 considers non-profit entities, and therefore beneficiaries of the tax incentives for patronage, to be entities not resident in Spanish territory that operate in Spain with a permanent establishment and entities resident in a Member State of the European Union or other Member States of the European Economic Area, in accordance with the following wording:

"Article 2. Non-profit entities.

The following are considered non-profit entities for the purposes of this law, provided that they meet the requirements established in the following article:

a) Foundations.

b) Associations declared to be of public utility.

c) Non-governmental development organisations referred to in Law 23/1998, of 7 July 1998, on International Cooperation for Development, provided that they have one of the legal forms referred to in the preceding paragraphs.

d) The Spanish sports federations, the regional sports federations of autonomous communities integrated in them, the Spanish Olympic Committee and the Spanish Paralympic Committee.

e) The federations and associations of the non-profit organisations referred to in the previous paragraphs.

f) Entities not resident in Spanish territory that operate therein with a permanent establishment and are similar to some of those referred to in the previous paragraphs.

Entities resident in a non-cooperative jurisdiction shall be excluded, except in the case of a Member State of the European Union and where it is accredited that their incorporation and operation respond to valid economic motives.

g) Entities resident in a Member State of the European Union or other Member States of the European Economic Area with which there are regulations on mutual assistance in the exchange of tax information under the terms provided for in Law 58/2003 of 17 December 2003 on General Taxation, which are applicable, without a permanent establishment in Spanish territory, and which are similar to any of those provided for in the previous letters.

Entities resident in a non-cooperative jurisdiction will be excluded, unless it is accredited that their incorporation and operation respond to valid economic motives".

The requirements are the same as those established for resident institutions, which are set out in Article 3 of the aforementioned Law.

However, it should be noted that Law 49/2002 does not grant tax incentives for patronage directed at third countries.

D – The work of the Member States to empower CSOs and rights defenders

- 17. Is there a structured dialogue policy between CSOs and public authorities at local, regional and national level? Is there a body representing the interest of CSOs? How is it composed and which are its competences?**

There are many sectoral areas where there is a structured policy dialogue between CSOs and national, regional and local public authorities. All consultative councils for CSO participation also have representation from these authorities.

For example, in the area of Open Government, the Open Government Forum is a space for dialogue and debate in which public administrations (state, regional and local) and representatives of civil society participate with an equal number of representatives. Information on its organisation, functions and regulatory framework can be found at the following link:

https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/foro-GA.html

Dialogue with civil society has also been carried out through the Commission for Civil Dialogue with the Third Sector Platform, regulated by Royal Decree 774/2017, of 28 July, which regulates the Commission for Civil Dialogue with the Third Sector Platform ([Real Decreto 774/2017, de 28 de julio, por el que se regula la Comisión para el Diálogo Civil con la Plataforma del Tercer Sector](#)).

Since its constitution in February 2013, this institutional participation body has been an effective meeting forum between representatives of the General State Administration and the Third Sector Platform.

The Third Sector Platform ([Plataforma del Tercer Sector](#)) was established in January 2012 to defend the rights and social interests of citizens, mainly those living in poverty or at risk of exclusion. At present, the Platform is made up of twenty organisations and represents around 28,000 third sector entities, of which 577,000 workers and 1.5 million volunteers form part.

Likewise, as a materialisation of the principle of civil dialogue, and of active collaboration, participation and consultation between the General State Administration and the representation of the third social action sector, the State Council of Non-Governmental Social Action Organisations was set up. This is a collegiate, participatory body, which is set up as a forum for meeting, dialogue, proposals and advice on public policies of social interest, with the aim of institutionalising collaboration, cooperation and permanent dialogue between the ministerial department responsible for social and inclusion policies and the Third Sector Platform. This body is regulated in Royal Decree 235/2005, of 4 March, which regulates the State Council of Non-Governmental Social Action Organisations ([Real Decreto 235/2005, de 4 de marzo, por el que se regula el Consejo Estatal de Organizaciones no Gubernamentales de Acción Social](#)).

Likewise, as an example in this regard we can mention the Collaboration Agreement between the General State Administration and the Third Sector Platform ([Convenio de colaboración entre la Administración General del Estado y la Plataforma del Tercer Sector](#).) for inclusive communication of open government, signed on 30 November 2021, and which is financed by the European Union's Recovery Fund.

18. What is the process of consultation of CSOs regarding legislative proposals having an impact on civil society and civic space?

The transparency portal in Spain includes the Space for public participation in regulatory projects.

This participation is set out in article 133 of Law 39/2015, of 1 October, on the Common Administrative Procedure for Public Administrations ([Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas](#)) and in article 26 of Law 50/1997, of 27 November, on the Government (la [Ley 50/1997, de 27 de noviembre, del Gobierno](#)), as well as in Order PRE/1590/2016, of 3 October, which publishes the Agreement of the Council of Ministers of 30 September 2016, issuing instructions to enable public participation in the process of drafting regulations through the web portals of ministerial departments ([Orden PRE/1590/2016, de 3 de octubre, por la que se publica el Acuerdo del Consejo de Ministros de 30 de septiembre de 2016, por el que se dictan instrucciones para habilitar](#)

la participación pública en el proceso de elaboración normativa a través de los portales web de los departamentos ministeriales.

There are two modalities of participation:

- Prior public consultation. The purpose of this is to obtain the opinion of citizens, organisations and associations prior to the drafting of a regulatory project.
- Public hearing and information. The purpose of this is to obtain the opinion of citizens with legitimate rights and interests affected by a regulatory project already drafted, either directly or through the organisations or associations that represent them, as well as to obtain any additional contributions that may be made by other persons or entities.

The process is as follows: before drafting the provision, an open public consultation is called and, once the preliminary draft has been drawn up, the text is submitted to a public hearing.

In addition, participation is mandatory in the design of many plans and programmes and other administrative actions, e.g. in the field of environment and ecological transition.

Furthermore, CSOs participate, as mentioned above, in the design, implementation and evaluation of different public policies through collegiate bodies or consultative councils, which, in general, are provided for in Article 21.3 of Law 40/2015 of 1 October on the Legal Regime of the Public Sector (artículo 21.3 de la Ley 40/2015, de 1 de octubre, de Régimen Jurídico del Sector Público.). Subsequently, their creation, composition and functions are regulated in the corresponding sectorial regulations.

19. Do you have an easily accessible one-stop-shop online platform in place, which regroups all consultations with CSOs and the public?

The Transparency Portal (Portal de Transparencia) includes different citizen participation and civil society organisation participation projects, as well as the different ways in which citizens and civil society organisations can make their opinions known to the different public administrations (i.e. the prior public consultation, hearing and public information procedures). The portal contains links to the channels for citizen participation and civil society organisations in each Ministry.

In addition, the IV Open Government Plan 2020-2024 includes a commitment to develop the participation platform, the status of the implementation of which can be consulted at the following link: https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C3/3-1-1-PlataformaParticipacion.html

The IV Plan also foresees the establishment of innovation laboratories for citizen participation, more information on which can be found at the following link: <https://hazlab.es/CdP>

20. Do you have any guidelines or standards on public participation?

Article 133 of the Law on Administrative Procedure, which is basic legislation for all territorial levels, regulates the participation of citizens in the procedure for drafting rules with the status of Law and regulations, and numerous sectoral regulations include the modalities of participation.

Furthermore, within the commitment to Education and Training in Open Government of the current IV Plan 2020-2024, the drafting of guides and training actions has been included with different target groups, from children, rural women or staff in the service of public administrations. The initiatives included in this area can be consulted in the following link: https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/seguimientoIVPlanGA/seguimiento_C7.html

21. Are CSOs or, where relevant, NHRIs included in the committees set up to monitoring the implementation of EU funded programmes under the Common Provisions Regulation (CPR) and are they involved in the arrangements set up under the horizontal enabling condition to ensure compliance with the Charter? If so, what is their role in this context?

CSOs are duly represented in the Monitoring Committees of each of the Operational Programmes co-financed by the ERDF, ESF, EAGF and EAFRD structural funds.

Their monitoring work focuses, among others, on the annual approval of the Implementation Reports, summaries to the public or the criteria for the selection of operations. By way of example, the Operational Programme for Social Inclusion and Social Economy, POISES, can be consulted at <https://www.mites.gob.es/uafse/es/properativos/poises/index.htm>