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2025 Rule of Law Report Country Chapter on the rule of law situation in Spain

Accompanying the document

**Communication from the Commission to the European Parliament, the Council, the
European Economic and Social Committee and the Committee of the Regions**

2025 Rule of Law Report The rule of law situation in the European Union

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ABSTRACT

In Spain, the Council for the Judiciary was renewed following a structured dialogue held in 2024 with the European Commission, and certain steps were taken to advance with the process to adapt the appointment procedure of its judges-members. The new Council for the Judiciary is proceeding with appointments to top judicial positions. Some measures have been taken and others are under way to modify the statute of the Prosecutor General, with some stakeholders expressing critical views of the reform. New measures have also been adopted in relation to the incompatibilities regime for judges and prosecutors. A law on the right of defence was adopted and the legal aid framework has been reinforced. Further measures are being implemented to improve the digitalisation of justice and to address challenges regarding the resources of the justice system. There are currently protest actions by judges and prosecutors reflecting tensions around the proposed reforms on the judiciary. The length of proceedings, in particular in the Supreme Court, remains a challenge and new measures have been adopted to improve the situation.

The Government is required by law to adopt a comprehensive strategy to prevent and fight corruption but work on it is yet to start. Work on the revision of the Code of Criminal Procedure is ongoing and more resources have been provided to reduce the length of investigations and prosecutions of high-level corruption, while the level of enforcement on foreign bribery remains low. Cooperation between different authorities in the fight against corruption remains good and the efficiency of the work of the Council of Transparency and Good Governance has improved despite resource constraints. Some initial steps were also taken to strengthen the rules on conflict of interest for persons in top executive functions. A draft law was submitted to Parliament to regulate lobbying and to strengthen the independence and powers of the Office for Conflicts of Interest. However, no further steps have been taken to improve rules on conflicts of interest for public employees in the different administrations.

The audiovisual regulator is preparing for the new supervisory functions. The Law on state-owned radio and television was amended to change the composition of the management board and its election system, giving more powers to its chairperson. Ownership transparency of media other than audiovisual media services, video sharing platforms and influencers remains an area of concern, pending the adoption of the draft Law on Digital Services and Media which envisages the creation of a public registry of media supervised by the National Commission for Markets and Competition (CNMC), while the legal framework for institutional advertising remains unchanged, despite an increased number of campaigns. There has been no further progress on the recommendation to strengthen access to information, pending adoption of new legislation. Despite steps foreseen through ongoing legislative proposals, journalists continue facing increasing challenges regarding working conditions and safety.

The Spanish Constitutional Court declared the Amnesty Law to be compatible with the Constitution. Requests for preliminary rulings in relation to the Amnesty Law have been submitted to the European Court of Justice. Initiatives to promote a rule of law culture are being taken, a new equality body has been set up and several appointments to independent authorities and bodies have been made. A draft law to reform the Citizen Security Law has been put forward so as to address concerns that had been previously raised by stakeholders.

RECOMMENDATIONS

Overall, concerning the recommendations in the 2024 Rule of Law Report, Spain has made:

- Some further progress on strengthening the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government, taking into account European standards on independence and autonomy of the prosecution.
- Significant progress on renewing the Council for the Judiciary and taking forward the process in view of adapting the appointment procedure of its judges-members, taking into account European standards on Councils for the Judiciary.
- Some progress on proceeding to adopt legislation on lobbying, including the establishment of a mandatory public register of lobbyists.
- Some further progress on stepping up efforts to address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases, including by finalising the reform of the Code of Criminal Procedure.
- Some progress on strengthening the rules on conflicts of interest and asset declarations of persons with top executive functions, including by reinforcing the independence and sanctioning power of the Office for Conflicts of Interest.
- No further progress on advancing with strengthening access to information, in particular via revision of the Law on Official Secrets, taking into account European standards on access to official documents.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan and the relevant country-specific recommendations under the European Semester, it is recommended to Spain to:

- Continue ongoing efforts to strengthen the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government, taking into account European standards on independence and autonomy of the prosecution.
- Take forward the process in view of adapting the appointment procedure of the Council for the Judiciary's judges-members, taking into account European standards on Councils for the Judiciary.
- Continue the ongoing procedure to adopt legislation on lobbying, including the establishment of a mandatory public register of lobbyists.
- Strengthen efforts to address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases, including by finalising the reform of the Code of Criminal Procedure.
- Take forward the legislative process to strengthen rules on conflicts of interest and asset declarations of persons with top executive functions, including by further reinforcing the independence and sanctioning power of the Office for Conflicts of Interest.
- Advance with strengthening access to information, in particular via revision of the Law on Official Secrets, taking into account European standards on access to official document.

I. JUSTICE SYSTEM¹

Independence

The level of perceived judicial independence in Spain continues to be low among the general public and is now average among companies. Overall, 39% of the general population and 40% of companies perceive the level of independence of courts and judges to be ‘fairly or very good’ in 2025². The perceived judicial independence among the general public has slightly increased in comparison with 2024 (37%), as well as in comparison with 2021 (38%). The perceived judicial independence among companies has significantly increased in comparison with 2024 (32%) and has slightly increased in comparison with 2021 (39%).

There was significant progress on the recommendation to finalise the renewal of the Council for the Judiciary and certain steps were taken to advance with the process to adapt the appointment procedure of its judges-members³. Following a structured dialogue with the European Commission, on 25 June 2024 an agreement was reached on the renewal of the Council for the Judiciary. The new members of the Council for the Judiciary took office on 25 July 2024. The new President of the Council for the Judiciary, who is also the President of the Supreme Court, was appointed and took office on 4 September 2024⁴. The legislative reform of August 2024 of the Organic Law on the Judiciary and of the Organic Statute of the Public Prosecutor’s Office⁵ required the Council for the Judiciary to submit, within six months of the entry into force of the law, a report and a reform proposal for the system of appointment of its judges-members. On that basis, the Government or the Parliament itself can table a draft law with a view to reforming the system for the election of the Council’s judges-members, taking into account European standards. On 5 February 2025, the Council for the Judiciary adopted by unanimity a report examining similar European systems of election of Councils’ members, together with a proposal for how to reform the election of the judges-members, presenting alternative models both with and without Parliamentary involvement. The report has been submitted to the Venice Commission. Stakeholders have called for a swift advancement of the process in order to address the existing concerns related to the current system of appointment⁶. Overall, significant progress

¹ An overview of the institutional framework for all four pillars can be found [here](#).

² Figures 50 and 52, 2025 EU Justice Scoreboard and Figures 49 and 51, 2023 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

³ The 2024 Rule of Law Report recommended Spain to: “[b]uilding on the agreement of 25 June 2024, finalise the renewal of the Council for the Judiciary and take forward the process in view of adapting the appointment procedure of its judges-members, taking into account European standards on Councils for the Judiciary”.

⁴ Constitution of Spain, art. 122(3): the Council for the Judiciary consists of the President of the Supreme Court (chairing) and of 20 individuals – 12 judges or magistrates, and 8 lawyers or other jurists of recognised competence with more than 15 years of professional practice. The Parliament is responsible for the appointment of all its members, subject to a qualified majority of three fifths. While the Constitution requires the eight lawyers and other jurists to be appointed by a three-fifths majority in each chamber of the Parliament (four by the Congress and four by the Senate), it does not specify how the members representing judges are to be appointed.

⁵ Organic Law 3/2024, of 2 August, that entered into force on 6 August 2024.

⁶ Hay Derecho (2025), written input, pp. 11-12; Professional Association of the Magistracy (2025), written input, p. 10; Judges and Magistrates’ Association “Francisco de Vitoria” (2025), written input, p. 11; Independent Judicial Forum (2025), written input, p. 13.

has been made on the recommendation in the 2024 Rule of Law Report while further steps are needed to finalise the process to adapt the appointment procedure of the judges-members.

The new Council for the Judiciary is proceeding with appointments to top judicial positions, including to the Supreme Court. The prolonged lack of renewal of the Council for the Judiciary had a negative impact on the work of the justice system as a whole⁷, notably as the law temporarily precluded an acting Council from making appointments to top judicial positions, including to the Supreme Court⁸. The agreement of 25 June 2024 to renew the Council for the Judiciary has significantly improved the situation, since the new Council has been able to proceed with 120 appointments to top judicial positions⁹. For the first time a woman has been appointed as President of the Council for the Judiciary and the Supreme Court in Spain¹⁰.

Some further progress has been made on the recommendation to strengthen the statute of the Prosecutor General¹¹, although some stakeholders express critical views of the reform. The August 2024 law reforming the Organic Statute of the Public Prosecutor's Office¹² sets out a prohibition for citizens having been in political office in the last five years¹³ from becoming Prosecutor General. The law also provides that the Prosecutor General and members of the Prosecutor's Office cannot act in cases that affect them personally. In May 2025, the Council of Ministers adopted a preliminary draft law further reforming the Organic Statute of the Public Prosecutor's Office. The aim of the preliminary draft law is to reinforce the independence and autonomy of prosecutors to adapt to their new role as investigators in criminal cases, in accordance with the planned draft amendment of the Criminal Procedure Code¹⁴. It provides that the term of office of the Prosecutor General will no longer coincide with that of the Government and it will be a non-renewable five-year term. Furthermore, the preliminary draft law aims to improve the transparency of the relations of the Government and the Prosecutor General, stating that communications between the latter and the Government will be public and in writing. The reform also provides that if the Government would want to dismiss the Prosecutor General for serious or repeated failure to perform his or her duties, it would first need to require the opinion of the Council for the Judiciary. The preliminary draft law also provides for new grounds for the recusal of prosecutors. The appointment, promotion and sanctions of the chief prosecutors would be attributed to the Prosecutor General and not to the Government, and other measures have already been taken to increase the autonomy of the Prosecution Service in the budgetary and

⁷ European Network of Councils for the Judiciary (2025), written input, p. 1.

⁸ 2024 Rule of Law Report, Spain, p. 6.

⁹ Council for the Judiciary (2025), written input, p. 6; country visit Spain, Technical Cabinet of the Supreme Court.

¹⁰ Women are still underrepresented in the top judicial positions, although they represent the majority of the judiciary. Currently, 57.2% of the total number of judges are women. Association of Women Judges of Spain (2025), written input, p. 7-8.

¹¹ The 2024 Rule of Law Report recommended Spain to “[c]ontinue to strengthen the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government, taking into account European standards on independence and autonomy of the prosecution”.

¹² Organic Law 3/2024, of 2 August.

¹³ This includes Ministers, Secretaries of State, regional governments' counsellors, presidents of local corporations, members of the Congress, the Senate, and the European Parliament or regional parliaments.

¹⁴ The Government has indicated that it intends to approve both reforms together and table them in Parliament before summer 2025.

training fields¹⁵. This preliminary draft law is undergoing consultations with national consultative bodies before its final approval by the Government and subsequent submission to Parliament. On 23 June 2025, the Council for the Judiciary adopted its report on the envisaged reform, stressing it provides for certain progress, but warning that it falls short in terms of fully ensuring independence safeguards and internal checks and balances. On 6 June 2025, the Prosecutorial Council adopted a critical report on this preliminary draft law that also contains an individual opinion of the Progressive Union of Prosecutors. According to that opinion, the draft law includes some positive aspects as regards the duration of the mandate of the Prosecutor General and the need to request an opinion of the Council for the Judiciary for the possible dismissal of the Prosecutor General for serious or repeated failure to perform his or her duties¹⁶. Some stakeholders have expressed concerns about the envisaged reform considering that it poses a risk to the independence of justice by reinforcing the powers of the Prosecutor General and lowering the professional safeguards of prosecutors¹⁷. Overall, as some measures have been taken and more are envisaged to strengthen the statute of the Prosecutor General, there has been some further progress on the recommendation.

The Council for the Judiciary¹⁸ and the four main associations of judges¹⁹ have warned about public statements by politicians, including from the Government, criticising the judiciary. According to the Technical Cabinet of the Supreme Court²⁰, statements by politicians that lead to personal reproaches and discrediting of judges and their professional activity, often also questioning their independence, seriously undermine citizens' confidence in justice. According to European standards, while criticising judicial decisions is a normal aspect of democratic discourse, the executive and legislative powers should avoid criticism that undermines the independence of or public confidence in the judiciary²¹. All State bodies, of the executive, legislative and judiciary, should apply mutual respect to safeguard the well-functioning of constitutional institutions and protect the trust of the general public in them²².

New measures have been adopted as regards the incompatibilities regime. The August 2024 reform of the Organic Law on the Judiciary²³ stipulates that judges that have been in political office cannot perform judicial functions for two years after their re-entry into service. Additionally, new safeguards have been introduced in this same reform as regards the appointment of legal professionals other than judges for the position of member of the

¹⁵ Country visit Spain, Technical Cabinet of the Prosecutor General's Office.

¹⁶ Individual opinion of the Progressive Union of Prosecutors of 6 June 2025 referring to positive aspects of the envisaged reform.

¹⁷ A joint statement sharing these concerns has been made on 23 May 2025 by Professional Association of the Magistracy, Judges and Magistrates' Association "Francisco de Vitoria", Independent Judicial Forum, Association of Prosecutors and Professional and Independent Association of Prosecutors. On 28 May 2025, the Spanish Union of Prosecutors and Judges published a statement on the envisaged reform also raising such concerns.

¹⁸ Country visit Spain, Council for the Judiciary.

¹⁹ Country visit Spain, Professional Association of the Magistracy, Judges and Magistrates' Association "Francisco de Vitoria", Judges for Democracy and Independent Judicial Forum.

²⁰ Country visit Spain, Technical Cabinet of the Supreme Court.

²¹ Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 18. See also Venice Commission (2013), CDL-AD(2013)038, paras. 21-22.

²² CCJE (2015), Opinion No. 18, 'The position of the judiciary and its relation with the other powers of state in a modern democracy', para. 54: 'Any analyses and criticisms by one power of state of the other powers should be undertaken in a climate of mutual respect'.

²³ Organic Law 3/2024, of 2 August.

Council of the Judiciary: they are not eligible if they have been in political office in the five previous years.

Quality

A new law on the right of defence was adopted and further improvements on the legal aid framework were implemented. The new law on the right of defence²⁴ which entered into force in December 2024, is the first self-standing law on this fundamental right in Spain, with the aim of providing legal certainty for both citizens when exercising their rights of defence and lawyers when performing their work²⁵. It focuses, among others, on guaranteeing a legal aid framework for vulnerable individuals and the possibility of resorting to alternative dispute resolution mechanisms. The entry into force of this new law is part of a specific milestone included in the Spanish Recovery and Resilience Plan²⁶. Spain provides a wide coverage of legal aid²⁷. Further financial support has been given to the legal aid framework, and a draft law on its use is under preparation²⁸.

The remuneration of judges and prosecutors has been progressively increased, and measures are being taken to address challenges regarding the resources allocated to the justice system, although judges' and prosecutors' associations expressed mixed views. The number of judges per inhabitant is still one of the lowest in the EU²⁹, and a number of vacancies continue to be covered by substitute-judges³⁰. In this context, in May 2025 a draft law on the judicial and prosecutorial careers has been tabled, which aims at reforming the access to these legal professions, stepping up resources of the justice system, and stabilising the situation of substitute-judges and prosecutors. Some stakeholders have raised concerns about these proposed measures and their possible impact on the independence of justice, while other stakeholders support a number of elements of the envisaged reform³¹. A progressive increase in the remuneration of judges and prosecutors has been applied since July 2024³², although some associations of prosecutors and of judges³³ continue to voice concern about the level of remuneration, notably with respect to the work-on-call shifts³⁴.

²⁴ Organic Law 5/2024, of 11 November 2024, that entered into force on 4 December 2024.

²⁵ Spanish Government (2025), written input, p. 9; country visit Spain, General Council of Spanish Lawyers.

²⁶ Milestone 435 under Component 11 of Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Spain (ST 10150 2021; ST 10150 2021 ADD 1 REV 2 as amended by ST 13695 2023; ST 13695 2023 ADD 1 REV 1; ST 9303 2024; ST 9303 2024 ADD 1; ST 17099 2024; ST 17099 ADD 1; ST 8053/25 INIT; ST 8053/25 ADD 1, and ST 9583/25 + ADD 1 + ADD 1 COR 1, 10408/25, pp. 118-148.

²⁷ 2025 EU Justice Scoreboard, Figure 23.

²⁸ Spanish Government (2025), written input, p. 10.

²⁹ 2025 EU Justice Scoreboard, Figure 37. This category consists of judges working full-time, in accordance with the CEPEJ methodology. It does not include the court clerks (Rechtspfleger/letrados) that exist in some Member States such as Spain. Spanish Letrados de la Administración de Justicia (Rechtspfleger) perform lots of almost-judicial tasks.

³⁰ Judges and Magistrates' Association "Francisco de Vitoria" (2025), written input, p. 11.

³¹ Joint statements have been made on 14 May and 4 June 2025 signed by Professional Association of the Magistracy, Judges and Magistrates' Association "Francisco de Vitoria", Independent Judicial Forum, Association of Prosecutors and Professional and Independent Association of Prosecutors. On 28 May 2025, the Spanish Union of Prosecutors and Judges has made a statement on this possible reform also raising concerns. A statement by Judges for Democracy supporting some aspects of this reform has been made on 6 June 2025.

³² Spanish Government (2025), written input, pp. 10-11.

There are currently protest actions by judges and prosecutors reflecting tensions around the proposed reforms on the judiciary. Some judicial and prosecutorial associations called for a 3-day strike manifesting against the draft law on judicial and prosecutorial careers calling for its withdrawal from the legislative process. The Council for the Judiciary has stated that strikes by the judiciary are not regulated.

The Prosecutor General is subject to ongoing judicial proceedings. An investigative judge of the Supreme Court requested the indictment of the Prosecutor General. On 9 June 2025, the Prosecutor General was charged by the Supreme Court for allegedly leaking confidential information linked to a tax fraud case. The Prosecutor General has filed an appeal.

Work continued on improving the digitalisation of justice. The digitalisation of justice in Spain continues to advance, and the use of ICT tools in the justice system is consolidated³⁵. Further measures, including legislative ones, to improve the digitalisation of justice are being implemented. This includes the adoption of the e-Evidence digital exchange system ('eEDES'), on the basis of which the possibilities for interoperability with the case management system of prosecution offices at EU level are being explored³⁶. Stakeholders have raised the need to further improve the interoperability between different procedural management systems used by Autonomous Communities³⁷, where the Justice Administration is not managed by the Ministry of the Presidency, Justice and Relations with the Parliament, and to further invest in financial and human resources for the digitalisation of justice³⁸.

Efficiency

The length of proceedings, in particular in the Supreme Court, remains a challenge and new measures have been adopted to improve the situation. The disposition time for civil and commercial cases at the Supreme Court remains very high (691 days both in 2022 and 2023)³⁹. The disposition time for administrative cases at first instance increased in 2023 (414 days)⁴⁰. The adoption of the law on measures for the efficiency of the public administration of justice⁴¹ updates the current judicial structure and introduces procedural reforms aimed at further speeding up the handling of court proceedings in all four jurisdictions⁴². The new law focuses on the specialisation of courts to improve the allocation and handling of cases and resources⁴³. It also regulates the resort to alternative dispute resolution mechanisms and provides for a series of procedural steps to be conducted electronically. The entry into force

³³ Association of Prosecutors (2025), written input, p. 13. Country visit Spain, Professional Association of the Magistracy, Judges and Magistrates' Association "Francisco de Vitoria", Judges for Democracy and Independent Judicial Forum.

³⁴ Judgments of the CJEU (2025), case C-146/23 and case C-374/23, para 60: "*The remuneration of judges may, [...], vary according to seniority and the nature of the functions entrusted to them. In any event, it must always be commensurate with the importance of the functions they carry out*".

³⁵ 2025 EU Justice Scoreboard, Figures 40-48.

³⁶ Spanish Government (2025), written input, pp. 11-14.

³⁷ Country visit Spain, Letrados de la Administración de Justicia (Rechtspfleger) and Technical Cabinet of the Supreme Court.

³⁸ Country visit Spain, Association of "Abogados del Estado".

³⁹ 2025 EU Justice Scoreboard, Figure 6.

⁴⁰ 2025 EU Justice Scoreboard, Figure 7.

⁴¹ Organic law 1/2025, of 2 January 2025.

⁴² Civil, criminal, contentious administrative, and social or employment areas.

⁴³ Spanish Government (2025), written input, pp. 15-16.

of the new law is part of a specific milestone included in the Spanish Recovery and Resilience Plan⁴⁴.

II. ANTI-CORRUPTION FRAMEWORK

The perception among experts, citizens, and businesses is that the level of corruption in the public sector is relatively high. In the 2024 Corruption Perceptions Index by Transparency International, Spain scores 56/100 and ranks 16th in the European Union and 46th globally⁴⁵. This perception has significantly increased over the past five years⁴⁶. The 2025 Special Eurobarometer on Corruption shows that 89% of respondents consider corruption widespread in their country (EU average 69%) and 51% of respondents feel personally affected by corruption in their daily lives (EU average 30%). As regards businesses, 87% of companies consider that corruption is widespread (EU average 63%) and 53% consider that corruption is a problem when doing business (EU average 35%). Furthermore, 30% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 36%), while 12% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 33%)⁴⁷.

Work has not yet started on the national anti-corruption strategy foreseen by law for September 2024. Law 2/2023 regulating the protection of whistleblowers included a requirement that the Government adopts a national Anti-Corruption Strategy by September 2024. A first draft will be prepared by the Independent Authority for the Protection of Whistleblowers following the recent appointment of its President⁴⁸. According to stakeholders, despite the inclusion of anti-corruption priorities in sectorial plans and strategies, the absence of a unified strategy risks leading to fragmentation and insufficient oversight of anti-corruption measures⁴⁹. On the other hand, preparation of a National Antifraud Strategy is at an advanced stage, following extensive consultations, although no specific timeline for its finalisation has been set out yet⁵⁰. The Democracy Action Plan (DAP) presented in September 2024 envisages the adoption of an Open Government Strategy, the preparation of a draft Law on Open Administration⁵¹, and of a Fifth Plan⁵², in collaboration

⁴⁴ Milestone 434 under Component 11 of Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Spain (ST 10150 2021; ST 10150 2021 ADD 1 REV 2 as amended by ST 13695 2023; ST 13695 2023 ADD 1 REV 1; ST 9303 2024; ST 9303 2024 ADD 1; ST 17099 2024; ST 17099 ADD 1; ST 8053/25 INIT; ST 8053/25 ADD 1, and ST 9583/25 + ADD 1 + ADD 1 COR 1, 10408/25), pp. 118-148.

⁴⁵ The level of perceived corruption is categorised as follows: low (above 79); relatively low (between 79-60), relatively high (between 59-50), high (below 50).

⁴⁶ In 2020 the score was 62, while, in 2024, the score was 56. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

⁴⁷ Data from Special Eurobarometer 561 (2025) and Flash Eurobarometer 557 (2025).

⁴⁸ Country visit Spain, Spanish Government. The adoption of an anti-corruption strategy is expected to be included also under the Fifth Open Government Plan (see below).

⁴⁹ Country visit Spain, Foundation 'Hay Derecho'. Fundación Baltasar (2025), written input, p. 11. See also 2024 Rule of Law Report, Spain, pp. 13-14.

⁵⁰ Country visit Spain, Spanish Government. See also 2024 Rule of Law Report, Spain, p.14.

⁵¹ Democracy Action Plan, p.15.

⁵² This follows the Fourth Open Government Plan, which ended in October 2024, covered 111 initiatives, of which 87 were finalised, 20 were partially implemented, and four were cancelled, Transparency Portal, Follow-up to the IV Open Government Plan. The preparation of the Fifth Plan (2024-2028) is ongoing, following broad consultation with relevant stakeholders (Spanish Government (2025), written input, p. 37).

with civil society. The draft Fifth Plan, submitted to public consultation in June 2025, lists integrity and accountability as one of its priorities, including through a roadmap for the public sector, rules on lobbying and interest groups, as well as rules on conflicts of interest⁵³. It also outlines the main objectives of the draft Law on Open Administration. A coordination mechanism was set up in order to supervise the implementation of the Democracy Action Plan⁵⁴.

While efforts have been made to address foreign bribery, gaps remain in the legislative framework and the level of enforcement remains low. Measures have been taken to facilitate the detection of foreign bribery, including to detect it from diverse sources and strengthened cooperation between relevant bodies. In addition, training and awareness-raising activities have been conducted throughout the public administration⁵⁵. In 2025, the OECD reiterated its recommendations as regards the need to clarify provisions on corporate liability and to ensure a sufficient time limitation period for judicial investigations of foreign bribery. The level of enforcement remains low, with only two cases concluded successfully since 2016, and many investigations terminated⁵⁶.

There has been some progress to address the recommendation on the length of investigations and prosecution of high-level corruption cases, as the reform of the Criminal Procedure Code has advanced further and additional resources have been provided⁵⁷. In December 2024, the Council for the Judiciary issued a favourable opinion on the draft law to amend the Code of Criminal Procedure⁵⁸. Further work on the draft law is required to reflect all input provided and it is expected to be submitted to Parliament in the course of 2025⁵⁹. The Government acknowledges that corruption cases take longer due to their increasingly complex nature and has taken steps to strengthen human resources in the judicial system⁶⁰. In April 2025, two new prosecutor positions were established within the Anti-Corruption Prosecutor's Office⁶¹. In October 2024, two specialised Prosecutorial Chambers were established: one for Economic Crimes and one for Crimes against Public Administration, thereby increasing the staff of the Public Prosecutor's Office⁶². Stakeholders signal risks of duplication between the activities of the two new Chambers and the Anti-Corruption Prosecutor's Office⁶³. The new law on measures for the efficiency of the public administration of justice aims to speed up the processing of judicial procedures and increase

⁵³ Transparency Portal, Framework document for the elaboration of the Fifth Open Government Plan 2024-2028.

⁵⁴ Royal Decree 955/2024 on the creation of the Interministerial Commission on supervision and implementation of the Democracy Action Plan.

⁵⁵ These measures operate in conjunction with the entry into force of Law 2/2023 on the protection of whistleblowers and the adoption of the Statute of the Independent Authority for the Protection of Whistleblowers.

⁵⁶ OECD (2025).

⁵⁷ The 2024 Rule of Law Report recommended Spain to “[s]tep up efforts to address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases, including by finalising the reform of the Code of Criminal Procedure”. 2024 Rule of Law Report, Spain, p.2.

⁵⁸ Spanish Government (2025), written contribution, p. 17.

⁵⁹ Spanish Government (2025), written input, p.17; country visit Spain, Spanish Government.

⁶⁰ Country visit Spain, Spanish Government.

⁶¹ News item of the Prosecutor's Office (2025).

⁶² Royal Decree 1100/2024. In line with the Decree, 79 new positions of prosecutors have been created. Spanish Government (2025), written input, p.17.

⁶³ Country visit Spain, Association of prosecutors.

the number of staff in the Anti-corruption Prosecutor's Office, as well as the number of judges⁶⁴. Stakeholders noted that the reform of the Code of Criminal Procedure should also ensure an adequate statute of limitations to investigate complex cases⁶⁵. The number of procedures opened on corruption charges amounted to 22 in 2024 (32 in 2023). Of all adjudicated cases of corruption crimes in 2024, a total of 26 cases were convictions or partial convictions, while 12 were acquittals⁶⁶. In October 2024, a former Minister and member of parliament was indicted as person of interest in an alleged corruption case related to the COVID-19 pandemic⁶⁷. The EPPO reported 4 corruption cases among its open cases in Spain⁶⁸. Overall, given the ongoing work on the revision of the Criminal Procedure Code and the provision of additional resources to the prosecution service, some progress has been made on the recommendation in the 2024 Rule of Law Report.

IT tools have improved the efficiency of the work of the Council of Transparency and Good Governance, but it lacks mechanisms to ensure compliance with its binding recommendations. In 2024, the Government approved a new statute for the Council for Transparency and Good Governance, which has facilitated coordination with the public administration⁶⁹. New IT tools, including the new electronic management system for courts, improved the efficiency of the Council's work⁷⁰. The Council's budget and staff remained unchanged due to lack of agreement on a new budget in Parliament⁷¹. No measures have been taken or are planned to ensure compliance with the Council's binding resolutions⁷². As previously reported, the Council considers having enforcement powers a necessary step to effectively perform its tasks.

There have been no further steps taken to improve rules on conflicts of interest for public employees despite ongoing work since 2021. The revision of the Law on Incompatibilities of Personnel in the Service of Public Administrations, foreseen under the Fourth Open Government Plan, was not carried out⁷³. The preparation of the draft law on Open Administration is ongoing and is planned to be approved by the Council of Ministers in the second half of 2025⁷⁴. It is expected to strengthen transparency obligations and the control over public authorities, especially as regards conflicts of interest, through a regime of incompatibilities and new post-employment limitations. The Integrity System of the General State Administration, approved by the Council of Ministers in January 2025, is fully

⁶⁴ Organic law 1/2025, of 2 January 2025.

⁶⁵ Country visit Spain, Foundation 'Hay Derecho' and Transparency International. See also press release of the Asociación de Fiscales (2024).

⁶⁶ Information obtained from the database of the Council for the Judiciary. In 2023, 38 cases were convictions or partial convictions, 18 acquittals. See also 2024 Rule of Law Report, Spain, p. 15.

⁶⁷ Country visit Spain, Association of Prosecutors.

⁶⁸ EPPO (2025b), p. 57.

⁶⁹ Royal Decree 615/2024 of 2 July 2024. Country visit Spain, Transparency Council.

⁷⁰ The time needed for processing of complaints has been reduced by 40 days on average. The Council received 1396 complaints, which constitutes an increase of 19.3% compared to 2023. It resolved 1530 complaints, representing an increase by 30.9% compared to 2023. Transparency Council (2025). In 2024, 42% of appeals before the Council were motivated by the lack of response from an administration at the state level, and 73.3% by the lack of response at the regional level.

⁷¹ Country visit Spain, Transparency Council.

⁷² GRECO recommended to ensure "proper independence, authority and resources" of the Council to effectively perform its monitoring functions. GRECO (2022a), p. 8.

⁷³ See 2024 Rule of Law Report, Spain, p. 17. The draft Law, intended to amend Law 53/1984 of 26 December 1984, was foreseen for adoption in the first semester of 2022.

⁷⁴ Democracy Action Plan, p.16.

operational⁷⁵. It aims to foster a culture of integrity through the prevention of conflicts of interest, fraud and corruption. In August 2024 an Integrity System of the Civil Guard and an Ethical Conduct Observatory were established⁷⁶. An Action Plan on Professional Ethics for the Civil Guard is still under preparation by the Civil Guard jointly with the Ministry of Interior. Work on rules on conflicts of interest for the National Police and the Civil Guard, planned for 2023, is still ongoing⁷⁷.

There has been some progress on the recommendation to strengthen the rules governing conflicts of interest and asset declarations of persons in top executive functions, in particular as regards the independence of the Office for Conflicts of Interest (OCI)⁷⁸. Under the Democracy Action Plan, work has been initiated on a draft law to amend the rules on incompatibilities⁷⁹. Amendments to strengthen the independence and powers of the OCI have been included in a draft law on transparency and integrity of the activities of interest groups⁸⁰. In particular, that draft law foresees that the Head of the OCI, the heads of its sub-directorates, or its personnel, may not request or accept instructions from any public or private entity. The draft law details the powers of the OCI and the functions of the Head of the OCI, who would be appointed for a non-renewable period of 6-years. However, the OCI remains integrated in the Government's structure for organisational and budgetary purposes. While the draft law grants OCI enforcement powers against interest groups that breach lobbying rules, its sanctioning powers vis-à-vis the administration have not been strengthened under the draft. Consequently, sanctions on persons in top executive functions would be imposed by the Council of Ministers upon proposal by the Minister of Finance and Public Administration⁸¹. In addition, the OCI will still not have direct access to fiscal or tax data and does not carry out in-depth asset checks. Every six months, the OCI informs on the status of reports on the asset positions of senior officials⁸². No proceeding was initiated in 2024, similarly to 2023⁸³. Given that changes to the legal framework aiming to reinforce the independence and powers of the OCI have been submitted to Parliament, there is some progress on the recommendation made in the 2024 Report.

⁷⁵ It contains a Code of Good Administration, a Code of Good Governance and a specific chapter on Integrity Risk Management. Both Codes are complemented by a section on conflicts of interest, including a specific provision on gifts. The Integrity System of the General State Administration includes a dedicated chapter focused on training and awareness initiatives, which are considered a fundamental pillar of an organisational culture grounded in ethical principles. A guide of good practices for the application of the System is under preparation. Spanish Government (2025), written input, pp.22-23.

⁷⁶ Order PJC/849/2024 of 8 August, BOE no. 193. It covers organisational elements, policies, rules, processes and procedures, whose purpose is the promotion of ethical behaviour, as well as prevention, detection and prosecution of conduct contrary to the law.

⁷⁷ Country visit Spain, Civil Guard and National Police. The rules would address pending GRECO recommendations. See GRECO (2022a), p. 16.

⁷⁸ The 2024 Rule of Law Report recommended Spain to '[s]trengthen the rules on conflicts of interest and asset declarations of persons with top executive functions, including by reinforcing the sanctioning power of the Office for Conflicts of Interest'. 2024 Rule of Law Report, Spain, p. 2.

⁷⁹ Democracy Action Plan, p. 16. The current regime is set out in Law 53/1984.

⁸⁰ Draft law on transparency and integrity of the activities of interest groups (121/000046). Previous Rule of law reports have stressed the need to strengthen the independence and autonomy of the Office, in particular by reinforcing the sanctioning power. See 2024 Rule of Law Report, Spain, p.19.

⁸¹ These issues have also been raised by GRECO, see GRECO (2025a).

⁸² The 6-months report only provides aggregate of investigations in progress and the number of sanctions, additional details are only disclosed to Parliament information on the number. It is published in the Official State Gazette.

⁸³ Office for Conflicts of Interest (2025); Office for Conflicts of Interest (2024).

Whereas disclosure requirements for parliamentarians are mostly met, only few Parliamentarians publish information about meetings with interest groups. In its 2023 annual report, the Parliament Office for Conflicts of Interest (Parliament OCI) issued four recommendations concerning the obligations to submit a declaration of financial interests and to publish the agenda, including meetings held with lobbyists⁸⁴. In its 2024 annual report, the Parliament OCI considered that the disclosure requirements had overall been met and only recalled the need to update the declaration when contributions to associations or foundations were made. However, it reiterated the recommendation as regards the publication of meetings with interest groups, as only few parliamentarians comply with this obligation⁸⁵. The Democracy Action Plan includes a reform of the rules of procedure of both the Congress and the Senate to strengthen penalties for the failure to submit asset declarations or for providing false or incomplete information⁸⁶. In June 2025, a proposal to amend the rules of procedure of Congress to regulate lobbying was introduced and is under deliberation in the chamber⁸⁷.

Some progress has been made on the recommendation on lobbying, as the Government submitted a draft law to Parliament⁸⁸. The draft law introduces a broad definition of what constitutes a group of interest and influence activities. It also provides for the establishment of a mandatory public register of lobbyists, managed by the OCI, and envisages a Code of Conduct for interest groups and their members⁸⁹. Work on the IT tool to operationalise the register has been initiated but its finalisation depends on the adoption of the law⁹⁰. Civil society organisations have welcomed the draft law, which also aims to implement outstanding GRECO recommendations⁹¹. At the same time, stakeholders call for stronger sanctions, mandatory traceability of lobbying contacts and a wider coverage of entities engaging in influence activities⁹². This reform is included in the Recovery and Resilience Plan as part of steps to modernise the public administration⁹³. Overall, in view of the submission of the draft law to Parliament, some progress has been made on the recommendation made in the 2024 Rule of Law Report.

The Statute of the Independent Authority for the Protection of Whistleblowers was adopted and its first President was appointed by the Government. In view of the obligations established by the Whistleblowers' Directive, the 2023 law on the protection of persons who report regulatory breaches and the fight against corruption foresees the creation of a new Independent Authority for the Protection of Whistleblowers responsible for

⁸⁴ Code of Conduct, article 4.3 and 6.2.

⁸⁵ In 2023, for instance, only 10% of parliamentarians fulfilled this obligation. Parliament OCI (2025), pp. 17-18. The point was also noted by GRECO (2022a) p. 10.

⁸⁶ Democracy Action Plan, p. 29.

⁸⁷ Proposal 410/000009 of 30 May 2025 to amend the rules of procedure of Congress introducing Title XIV on the regulation of interest groups. It would set out new transparency obligations for members of Congress, a legislative footprint, a register of interest groups, as well as a sanctions regime. Newtral (2025).

⁸⁸ The 2024 Rule of Law Report recommended Spain to “proceed to adopt legislation on lobbying, including the establishment of a mandatory public register of lobbyists”.

⁸⁹ Draft law 121/000046 on transparency and integrity of the activities of interest groups.

⁹⁰ Country visit Spain, Spanish Government.

⁹¹ GRECO (2022b).

⁹² X-net (2022), Civio (2025), Democrata (2025).

⁹³ Milestone 432 under Component 11 of Annex to the Council Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Spain (ST 10150 2021; ST 10150 2021 ADD 1 REV 2 as amended by ST 13695 2023; ST 13695 2023 ADD 1 REV 1; ST 9303 2024; ST 9303 2024 ADD 1; ST 17099 2024; ST 17099 ADD 1; ST 8053/25 INIT; ST 8053/25 ADD 1, and ST 9583/25 + ADD 1 + ADD 1 COR 1, 10408/25), pp. 118-148.

receiving external whistleblower reports and corruption complaints⁹⁴. The Authority is in the process of establishing its full capacity and will play a central role in the overall protection of whistleblowers in Spain⁹⁵. The Statute of the Independent Authority was adopted on 29 October 2024 and its first President was appointed in April 2025⁹⁶. Some civil society organisations expressed concerns that the Statute does not establish an open and transparent process for the submission of candidacies for the President's position⁹⁷. Internal reporting channels have been set up within the Civil Guard, the Transparency Council and the Tax Agency⁹⁸ in accordance with law 2/2023, which requires all public administrations to set up such a reporting channel⁹⁹.

Public procurement, political party financing, infrastructure projects and public service contracts are key sectors at high-risk of corruption. The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 40% of companies in Spain (EU average 25%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years¹⁰⁰. The Single Market and Competitiveness Scoreboard on access to public procurement in Spain reports 33% of single bids for 2023 (EU average 29%). 61% of businesses perceive the level of independence of the public procurement review body (Central Administrative Court of Contract Appeals) as very or fairly good¹⁰¹. The 2024 Annual Report on Supervision of Public Procurement in Spain highlights that service contracts are the most frequently reported type of contract (64.25% of complaints)¹⁰². The main causes of complaints and communications in public procurement matters are alleged irregularities in the award of the contract, followed by alleged corrupt practices, complaints related to the execution of the contract and, finally, issues regarding use of sub-contracting¹⁰³. As in the previous year, the report highlights corruption prevention actions, including training and education activities, as well as good practices followed by the Anti-Fraud Offices and agencies, as well as other relevant bodies¹⁰⁴. Political party financing remains a high-risk area, and no steps have been taken to reform the electoral legislation in line with recommendations made by the Court of Auditors¹⁰⁵. In the healthcare sector, the first Strategic Plan of the Observatory against Healthcare Fraud and Corruption, established within the Ministry of Health, was approved in September 2024. Stakeholders however highlight that it does not propose sufficiently concrete risk-mitigating measures¹⁰⁶.

⁹⁴ Law 2/2023. This act covers not only breaches of European Union law, but also breaches of serious national criminal and administrative law, thereby going beyond the material scope of Directive (EU) 2019/1937.

⁹⁵ Country visit Spain, Foundation 'Hay Derecho' and Transparency International.

⁹⁶ Royal Decree 1101/2024. Infobae (2025).

⁹⁷ Foundation 'Hay Derecho' (2025), written input, p.26. Country visit Spain, Foundation 'Hay Derecho' and Transparency International

⁹⁸ Spanish Government (2025), written input, p. 16.

⁹⁹ The law covers all including territorial or institutional public administrations, independent authorities or other bodies managing social security services, universities, companies, and foundations belonging to the public sector, as well as public law corporations.

¹⁰⁰ Flash Eurobarometer 557 on Businesses' attitudes towards corruption in the EU (2025). This is 15 percentage points above the EU average.

¹⁰¹ 2025 EU Justice Scoreboard, Figure 59.

¹⁰² The report is prepared by the Independent Office on Supervision of Public Procurement in Spain.

¹⁰³ Spanish Government (2025), written input, pp. 27-28.

¹⁰⁴ Spanish Government (2025a).

¹⁰⁵ Country visit Spain, Court of Auditors. See 2024 Rule of Law Report, Spain, p.22.

¹⁰⁶ Foundation 'Hay Derecho', written input, p. 30.

III. MEDIA PLURALISM AND MEDIA FREEDOM

The audiovisual regulator is preparing for the new supervisory functions attributed to it under EMFA and DSA. Based on a new draft law on Digital Services and Media¹⁰⁷, the National Commission for Markets and Competition (CNMC) is attributed the supervisory authority under the European Media Freedom Act (EMFA)¹⁰⁸ and Digital Services Act (DSA)¹⁰⁹. The CNMC will be assigned six additional staff for two new Directorates on digital services and media, and it will also be tasked to assess the impact on media pluralism of concentration operations in the media market. In February 2025, the new Vice-President and four new members of the CNMC Board took office. The Media Pluralism Monitor (MPM) risk score for plurality of media providers remains stable at very-high risk (91%)¹¹⁰. The MPM 2025 registers low risk in terms of the independence and effectiveness of the media authority (19%), unchanged compared to the previous year¹¹¹. In September 2024, the CNMC launched a public consultation on the self-regulation and co-regulation systems for the rating of audiovisual programmes, which includes a possible self-regulatory code of conduct on age-ratings. This initiative is in line with the draft Organic Law on the protection of minors in digital environments of June 2024.

The Law on state-owned radio and television was amended to change the composition of the management board and its election system, giving more powers to its chairperson. According to the Government, the amendment¹¹² was approved to prevent parliamentary deadlock in the renewal of the management board of RTVE, an issue that was already highlighted as problematic in the 2024 Rule of Law Report¹¹³. The amendment maintains the two-thirds majority of the plenary session of Congress and the Senate, but if this is not achieved, an absolute majority is sufficient. The decree also increases the membership of the Board, from 10 to 15 members with full time commitment, establishes a parity of composition between men and women, and enables the chairperson of the Board to sign contracts that will not need the agreement of the Board. The Government contended that the number of vacant posts – six out of ten – made it impossible to achieve a two thirds majority for a renewal, and that the new system better represents the political and ideological plurality in Congress¹¹⁴. Stakeholders have cautioned that lowering the majority requirement could weaken the public broadcaster's independence and risks making Board appointments vulnerable to political

¹⁰⁷ Draft Law for the Improvement of Democratic Governance in Digital Services and the Media. This law will adapt the Spanish legislation to both the European Media Freedom Act (EMFA) and the Digital Services Act (DSA).

¹⁰⁸ Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act).

¹⁰⁹ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act).

¹¹⁰ Media Pluralism Monitor (2025), country report for Spain, p. 18.

¹¹¹ Media Pluralism Monitor (2025), country report for Spain, p. 10.

¹¹² Royal Decree-Law 5/2024, of 22 October, amending Law 17/2006, of 5 June, on state-owned radio and television, to adopt urgent measures relating to the legal regime applicable to the RTVE Corporation. The Decree Law was adopted by Government and subsequently approved by Parliament.

¹¹³ See 2024 Rule of Law report, Spain, p. 25.

¹¹⁴ Congress endorsed 11 members of the Board proposed by the Government and supporting parties, while the Senate approved its 4 representatives, all of them proposed by the main opposition party. Some of the new members of the Board are linked to political parties.

interests¹¹⁵. The News Councils¹¹⁶ of TVE and RNE criticised the Decree¹¹⁷, asking for a merit-based competition to guarantee the suitability of the Board members¹¹⁸. The Government argued¹¹⁹ that suitability is guaranteed because the proposed candidates must first appear at a public hearing before the relevant Appointment Committees of the Parliament, so that both Houses can assess their suitability for the position. The MPM indicator on independence of public service media went down from high risk (67%) in 2024 to medium-high risk (62%) in 2025¹²⁰. Furthermore, some stakeholders continue to express concern about the lack of independence and use of regional public service media for political purposes¹²¹.

Ownership transparency of media other than audiovisual media services, video sharing platforms and influencers remains an area of concern, pending the adoption of new legislation. The draft Law on Digital Services and Media envisages the creation of a public registry of media supervised by the CNMC¹²². Registration will be mandatory for national media, which will have to keep updated information on both ownership and income received from institutional advertising. The register will be available for free and will include media from regional registries. The CNMC will not be able to work on the registry until the new Law is adopted¹²³. For the MPM 2025, the transparency deficit that exists in all non-audiovisual media will continue until the new registry is set up. It therefore continues to record a very-high risk level (85%)¹²⁴.

The legal framework for state advertising remains unchanged, despite an increased number of advertising campaigns. The Government aims to reform the Institutional Advertising Law¹²⁵ to incorporate criteria of transparency, objectivity, proportionality and non-discrimination; oblige all public administrations to inform on advertising expenditure; and set limits on public administrations' funding for media¹²⁶. The draft law has not been adopted yet, and, under the current law, the lack of information on final beneficiaries of institutional advertising makes it difficult to assess the impact of institutional advertising and commercial campaigns on the media market. An upward trend is observed in the number of national institutional campaigns and their cost. The 2025 institutional advertising and communication plan¹²⁷ foresees EUR 161.2 million¹²⁸ for 146 institutional campaigns, a 16% increase over the 2024 plan and the highest amount since 2008. As regards the use of state

¹¹⁵ Country visit Spain, Association of Communications Users, Journalists' associations; Hay Derecho (2025), written input, p. 34. Media Pluralism Monitor (2025), country report for Spain, p. 32.

¹¹⁶ Internal bodies established by the Law on RTVE for the participation of professionals to ensure the neutrality and objectivity of news content.

¹¹⁷ Joint statement from the News Councils of RNE and TVE on the decree law approved by the Government for the renewal of the Board of Directors of RTVE, 22 October 2024.

¹¹⁸ Complain No. 211/2024 to the Council of Europe's platform on the safety of journalists.

¹¹⁹ Spanish Government (2025a), p. 15.

¹²⁰ Media Pluralism Monitor (2025), country report for Spain, p. 27.

¹²¹ Country visit Spain, Association of Communications Users, Journalists' associations. Hay Derecho (2025), written input, p. 38. Liberties Rule of Law report 2025, p. 962.

¹²² Through a reform of the General Law on Audiovisual communication 13/2022 of 7 July 2022.

¹²³ Country visit Spain, CNMC.

¹²⁴ 2025 Media Pluralism Monitor, country report for Spain, p. 19.

¹²⁵ Law on Advertising and Institutional Communication 29/2005, of 29 December 2005.

¹²⁶ Spanish Government (2025), written input, p. 39.

¹²⁷ 2025 Plan for Advertising and Institutional Communication.

¹²⁸ This figure does not include the 53 commercial campaigns planned in 2025 for 109.6 million euro, to which Law 29/2005 does not apply.

advertising by public administrations at regional level, thirteen of the seventeen Spanish Autonomous Communities have developed specific legislation on institutional advertising, but only three of them could be considered fully transparent¹²⁹. Stakeholders criticise the use of institutional advertising for capturing media and call for more transparency and fair criteria in the allocation of public funds¹³⁰.

There has been no further progress on the recommendation to strengthen access to information, pending adoption of new legislation¹³¹. The legal framework on access to documents has not been changed yet. The Government, however, has pledged to adopt the draft law on classified information¹³² as well as a new law on open administration to expand transparency obligations. Spain has ratified the Council of Europe Convention on Access to Official Documents¹³³. Public institutions and political parties increasingly have press conferences where press statements are given without the possibility to ask questions or where certain media are excluded¹³⁴. Overall, no further progress has been made on the recommendation to strengthen access to information.

Despite steps foreseen through ongoing legislative proposals, journalists continue facing increasing challenges regarding working conditions and safety. Since the publication of the 2024 Rule of Law Report, six new alerts have been recorded for Spain in the Council of Europe's Platform to Promote the Protection of Journalism and Safety of Journalists¹³⁵, relating to attacks on physical safety and integrity, harassment and intimidation of journalists, and other acts having chilling effects on media freedom¹³⁶. The platform registers twenty-seven active alerts in total. The Media Freedom Rapid Response platform¹³⁷ has recorded thirty-seven. Professional associations granted protection to journalists who had been targeted online by one member of the Government¹³⁸ or by political activists, some of whom are accredited as journalists in the Parliament and abuse this position to hinder the work of other journalists acting in their professional capacity¹³⁹. As a result, the Parliamentary Journalists Association advocated for an urgent adoption of a review of Parliament's internal rule of procedure to guarantee the work of journalists¹⁴⁰. A proposal to this effect has been tabled by a majority of political groups of the Parliament¹⁴¹. In March 2025, a court in Madrid charged four journalists with revealing confidential information when publishing on the content of a police report in an ongoing case against the Prosecutor General. Journalists, professional

¹²⁹ Observatorio de Medios (2025), Ranking de transparencia de la publicidad institucional de las CCAA 2024.

¹³⁰ Country visit Spain, Journalists' associations. Cuadernos de Periodistas, January 2025, p. 48. Liberties Rule of Law report 2025, p. 960.

¹³¹ The 2024 Rule of Law Report recommended Spain to "*advance with strengthening access to information, in particular via revision of the Law on Official Secrets, taking into account European standards on access to official documents*".

¹³² To replace the current Law on Official Secrets 9/1968 of 5 April 1968.

¹³³ The Council of Europe Convention on Access to Official Documents (CETS No. 205), also known as the Tromsø Convention, entered into force on 1 December 2020.

¹³⁴ Impulso ciudadano, Hay Derecho (2025), written inputs, p. 3 and 39 respectively. Country visit Spain, journalists' associations.

¹³⁵ Council of Europe, Platform to promote the protection of journalism and safety of journalists, Spain.

¹³⁶ Spain has replied to the six alerts.

¹³⁷ The Media Freedom Rapid Response (MFRR) is a Europe-wide mechanism that tracks, monitors and reacts to press and media freedom violations in EU member states and candidate countries.

¹³⁸ APM (2025a); APM (2025b).

¹³⁹ FAPE (2024); FAPE (2025a); FAPE (2025b).

¹⁴⁰ APP (2025).

¹⁴¹ 410/000007 Proposal to amend the Rules of Procedure of the Congress of Deputies.

associations and civil society criticised this decision and highlighted the right to inform and the confidentiality of sources¹⁴². The draft law on the professional secrecy of journalism is expected to be adopted by the Government shortly¹⁴³. Meanwhile, the October 2024 proposal¹⁴⁴ to amend the Citizen Security Law whereby the taking of images of police actions would no longer be sanctioned, continues being discussed in the Parliament. In December 2024, the Council of Ministers approved the Draft Organic Law on Rectification¹⁴⁵, allowing false or inaccurate information that causes harm to individuals to be publicly corrected. The law will include content creators with more than 100 000 followers on a single social network or more than 200 000 on several networks. On 11 March 2025, the Government adopted the draft Bill on Artificial Intelligence¹⁴⁶, which establishes as a serious infringement the failure to properly label any image, video or audio generated or manipulated by AI¹⁴⁷.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

Less than half of the companies surveyed in Spain express high levels of confidence in the effectiveness of investment protection. 47% of companies are very or fairly confident that investments are protected by law and courts¹⁴⁸. The main reason among companies for their lack of confidence is the difficulty to obtain a fair compensation or to protect property when something goes wrong¹⁴⁹. 62% of companies perceive the level of independence of the national competition authority (National Markets and Competition Commission) as very or fairly good¹⁵⁰. A number of judicial mechanisms are in place at the level of the Supreme Court to ensure the implementation of administrative court judgments, including fines for responsible officials for non-compliance, the possibility to take direct enforcement measures, and to award direct damages¹⁵¹.

The Spanish Constitutional Court has declared the Amnesty Law to be compatible with the Constitution and four requests for preliminary rulings have been submitted to the Court of Justice of the European Union. The “Organic Law on Amnesty for the Institutional, Political and Social Normalisation of Catalonia”, which was the subject of major controversy in Spain¹⁵², entered into force on 11 June 2024 and on 26 June 2025, it was declared to be compatible with the Constitution. The Amnesty Law has so far been applied to more than 300 persons and provides for an amnesty applying to acts and events encompassing criminal, administrative or accounting liability, defined both in terms of the dates of the acts

¹⁴² Country visit Spain, Journalists’ associations FAPE and APM. PDLI (2025), written input.

¹⁴³ Country visit Spain, Spanish Government.

¹⁴⁴ 22/000131, Proposal for an Organic Law on the Protection of Freedoms and Citizen Security, 11 October 2024.

¹⁴⁵ That should replace Organic Law 2/1984, of 26 March, regulating the right of rectification.

¹⁴⁶ Bill for the Governance and fair use of Artificial Intelligence, adapting Spanish legislation to the Artificial Intelligence Act.

¹⁴⁷ Journalists expressed a preference for labelling of AI generated content through self-regulation. Country visit Spain, Journalists’ associations.

¹⁴⁸ 2025 EU Justice Scoreboard, Figure 54.

¹⁴⁹ 2025 EU Justice Scoreboard, Figure 55. 37% and 32% of the surveyed investors respectively perceive the frequent changes in legislation or concerns about the quality of the law-making process and the quality, efficiency or independence of justice as a reason for the lack of confidence in investment protection.

¹⁵⁰ 2025 EU Justice Scoreboard, Figure 60.

¹⁵¹ 2025 EU Justice Scoreboard, Figure 49. The data presented reflects exclusively the mechanisms in place at the level of the highest administrative jurisdictions; the same or other mechanisms may be in place at lower instance administrative courts.

¹⁵² See 2024 Rule of Law Report, Spain, p. 28. See also Opinion of the Venice Commission, CDL-AD(2024)003.

and their connection with events around the “independence process” in Catalonia¹⁵³. The Commission has been assessing the relevance of the amnesty law from an EU law perspective, aspects of which are subject to requests for a preliminary ruling before the Court of Justice of the European Union¹⁵⁴.

A draft law amending the Code of Criminal Procedure, including as regards popular action in criminal investigations, was tabled. The draft law, tabled on 10 January 2025, includes provisions circumscribing popular action in criminal investigations and proceedings (“acción popular”). The “acción popular” is a mechanism laid down in Article 125 of the Spanish Constitution and developed in the Spanish Criminal Procedure Code. It allows natural and legal persons to bring a criminal action and intervene as a party in the proceedings without being directly affected or harmed by a criminal offence. While the proposal’s stated objective, considering a ruling of the Supreme Court¹⁵⁵, is to prevent perceived abuses of this mechanism¹⁵⁶, some stakeholders have criticised the planned reform, considering its envisaged limitations excessive and undermining in practice the value of this mechanism¹⁵⁷. The draft law proposes to limit the number of criminal offences for which the popular action can be exercised and requiring those who intend to exercise it to act under a specific, relevant and sufficient link with the public interest protected in the corresponding criminal proceedings. It also proposes to prohibit political parties and associations linked to them, as well as judges, prosecutors and their associations, from exercising popular action, and it further provides for the retroactive extinction of ongoing proceedings. The legislative process is ongoing.

Initiatives aimed at fostering a rule of law culture have been taken forward, a new equality body has been set up and several appointments to independent authorities and bodies have been made. The Democracy Action Plan, approved on 17 September 2024, includes a proposal for an obligation to hold an annual parliamentary debate in order to assess the Government’s compliance with the rule of law and fundamental rights¹⁵⁸. The next Congress of the World Conference on Constitutional Justice¹⁵⁹ will take place in Madrid, in October 2025, and will be dedicated to the “Rights of Future Generations”¹⁶⁰. The Government continued working on the setting up of a new equality body, following a law adopted in July 2022¹⁶¹. The new Independent Authority for Equal Treatment and Non-Discrimination, whose President was appointed on 27 May 2025, is tasked to protect and promote equality and non-discrimination of all citizens both in the public and private sector. A new President and Deputy of the Spanish Data Protection Agency were appointed on 26

¹⁵³ This applies to acts committed between November 2011 and November 2023 related to the Catalan “independence process”.

¹⁵⁴ C-523/24, C-587/24, C-666/24 and C-123/25.

¹⁵⁵ See also Spanish Supreme Court, ruling 459/2019 of 14 October 2019.

¹⁵⁶ The draft law proposes to prohibit the launch of criminal investigations triggered by complaints of individuals who rely only on press material and adds new grounds for the recusal of judges, preventing them from ruling on cases on which they have made political statements.

¹⁵⁷ Hay Derecho (2025), written input, p. 18; Independent Judicial Forum (2025), written input, p. 6; Judges and Magistrates’ Association “Francisco de Vitoria” (2025), written input, p. 14; country visit Spain, Civic Platform for the Judicial Independence.

¹⁵⁸ Spanish Government (2025), written input, p. 49.

¹⁵⁹ The World Conference on Constitutional Justice unites Constitutional Courts and Councils and Supreme Courts across the world. Its aim is to foster constitutional justice – as constitutional review including human rights case law – as a key element for democracy, the protection of human rights and the rule of law.

¹⁶⁰ Country visit Spain, Constitutional Court.

¹⁶¹ Law 15/2022 of 12 July 2022 on equal treatment and non-discrimination.

February 2025. The Ombudsperson, which is the national human rights institution, accredited with A status by the UN Global Alliance of National Human Rights Institutions (GANHRI), published its annual report in March 2025, including different suggestions, reminders and warnings related to citizens' rights, to ensure that they are considered in the decision-making process¹⁶².

On 1 January 2025, Spain had 23 leading judgments of the European Court of Human Rights pending implementation, the same number as the previous year¹⁶³. At that time, Spain's rate of leading judgments from the past 10 years that remained pending was at 52% (compared to 49% in 2024; 48% remained pending), and the average time that the judgments had been pending implementation was 3 years and 3 months (compared to 2 years and 10 months in 2024)¹⁶⁴. The oldest leading judgment, pending implementation for 10 years, concerns the lack of an effective suspensive remedy against decisions to remove asylum seekers¹⁶⁵. As regards the respect of payment deadlines, on 31 December 2024 there was 1 case in total awaiting confirmation of payments (compared to 3 in 2023)¹⁶⁶. On 16 June 2025, the number of leading judgments pending implementation had decreased to 22¹⁶⁷.

A draft law to reform the Citizen Security Law has been tabled so as to address concerns previously raised by stakeholders. Civil society space continues to be considered narrowed¹⁶⁸. The Democracy Action Plan includes the reform of the Citizen Security Law, and a draft law on this matter has been tabled in October 2024. The aim of the reform is to address the concerns raised by stakeholders¹⁶⁹ in relation to the impact of the current law on the right of assembly and the freedom of expression, as well as on the civic space in general and specifically on human rights defenders and journalists.

¹⁶² Defensor del Pueblo (2025), Annual Report 2024.

¹⁶³ For an explanation of the supervision process, see the [website](#) of the Council of Europe.

¹⁶⁴ All figures calculated by the European Implementation Network (EIN) and based on the number of cases that are considered pending at the annual cut-off date of 1 January 2025. EIN (2025), written input, p. 8.

¹⁶⁵ Judgment of the ECtHR, 6528/11, *A.C. and Others v. Spain*, pending implementation since 2014.

¹⁶⁶ Council of Europe (2025), p. 157.

¹⁶⁷ Data according to the online database of the Council of Europe (HUDOC).

¹⁶⁸ Rating by CIVICUS; ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

¹⁶⁹ 2024 Rule of Law Report, Spain, p. 31.

Annex I: List of sources in alphabetical order*

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Annex II: Country visit to Spain

The Commission services held virtual meetings in March and April 2025 with:

- Access Info Europe
- Association of 'Abogados del Estado'
- Association of Media Users
- Association of Prosecutors
- Association of Women Judges of Spain
- Civic Platform for the Judicial Independence
- Civil Guard
- Constitutional Court
- Coordinator of Non-Governmental Organisations for Development in Spain
- Council for the Judiciary
- Court of Auditors
- European Journalists' Association (APE)
- Foundation 'Hay Derecho'
- General Council of Spanish Lawyers
- Independent Judicial Forum
- Judges and Magistrates' Association "Francisco de Vitoria"
- Judges for Democracy
- Madrid Press Association (APM)
- Ministry of Finance
- Ministry of Foreign Affairs
- Ministry of Home Affairs
- Ministry of the Presidency, Justice and Relations with the Parliament
- Ministry of State Administration and Digital Reform
- National Commission of Markets and Competition
- National Council of Court Clerks
- National Police
- Office of Conflict of interests
- Ombudsperson's Cabinet
- Platform in Defence of Freedom of Information
- Platform "Tercer Sector"
- Professional and Independent Association of Prosecutors (APIF)
- Progressive Union of Prosecutors
- Representatives of Congress and Senate
- Spanish Chamber of Commerce
- Supreme Court
- Technical Cabinet of the Prosecutor General's Office
- Transparency Council
- Transparency International España
- Xnet

* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International
- Araminta
- Civil Liberties Union for Europe
- Civil Society Europe
- European Civic Forum
- European Partnership for Democracy
- European Youth Forum,
- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- JEF Europe
- Philea – Philanthropy Europe Association.
- Transparency International