



SIGMA

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Public Administration: Responding to the COVID-19 Pandemic

*Mapping the EU member states' public administration responses to the COVID-19 pandemic
(for EU Enlargement and Neighbourhood countries)*

SPAIN

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SPAIN

This document is mainly focused on the measures taken by the national Government. Regional and local Governments, providing most of public services to citizens, are also adopting legislation and taking measures regarding these services, in the framework of their legal competences.

Centre of Government, policy co-ordination and decision-making process

1. How is the Government (Council of Ministers) functioning (organisation of virtual meetings, remote sessions etc.)?

Online Government meetings are now possible and valid in emergency situations (“...may hold sessions, adopt agreements and approve minutes at a distance by electronic means”), after amendment of the Law on Government.

2. How are the crisis management and external communications co-ordinated within the Government? What is the role of the CoG in this? Is there a central strategy/guidance?

The national Government declared a state of alarm (the lowest level of three states of emergency) on 14 March for 15 days (based on the Constitution and on the Law on States of Emergency^o. According to the Constitution, the Parliament is to be informed and should give consent to any extension. The state of alarm has recently been extended until 12 April.

Four ministers (Health, Interior, Transportation and Defence) assume the COVID-related decision-making, under supervision of the Prime Minister. They can directly adopt any kind of action or resolution, without any prior administrative procedure, on their own initiative or as proposed by regional and local governments.

Formally speaking, these ministers have taken control over some regional Government services, such as health, police (the two regions with their own police) and civil protection. This centralisation is against the constitutional model and has been heavily criticised by some regional governments. Day-to-day service management is retained by the regions and, in practice, is mostly business as usual, except for purchasing and distribution of COVID-related supplies. In the near future patients will potentially be transferred between regions to avoid the collapse of medical services.

The national Government has created a Technical Committee for COVID Crisis Management (Comité Técnico de Gestión del Coronavirus) chaired by the Prime Minister and composed of the Ministers of Health, Interior, Defence and Transportation, and a number of top officials from these ministries: the Director of the Centre of Health Emergencies, the Chief of the Defence Staff (the highest-ranking military officer), the Deputy Operational Director of the National Police, the Deputy Operational Director of the Guardia Civil (national police corps mainly operating in rural areas and customs) and the Secretary General of Transport.

The Prime Minister is holding regular videoconferences with the 17 presidents of regions (autonomous communities) to listen to their views and co-ordinate actions across levels of Government.

The national Government has created a Scientific Committee (Comité Científico del COVID-19), to provide scientific advice composed of a number of public health specialists and researchers.

The mass media are obliged to publish any message or communication sent by the authorities.

3. Any arrangements (rules, working procedures) which aim to streamline and accelerate the Government decision-making process (as regards deadlines, public consultations, transparency, impact analysis)?

(idem 2)

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Public service and human resource management

1. What arrangements regarding teleworking? What is the share of civil servants teleworking? What is the share of civil servants still coming to the office?

After informing the trade unions, the DG Civil Service (of the national Government) adopted resolutions:

- suspending activity in workplaces and allowing staff to remain at home
- allowing teleworking through decisions by each ministry/public body
- all staff continue to be available to provide any service required

Some regions have published specific teleworking instructions and manuals

2. What other flexible working arrangement (part-time work, distribution of working hours over 7 days...)?

Not on the agenda

3. If civil servants cannot telework, how are they paid?

All civil servants are paid regularly and no initiative to question their salaries is on the agenda

4. Are civil servants being sent on mandatory annual leave? If not, is use of annual leave recommended? Any other special arrangement on absence management?

Not on the agenda

5. Any new, special regulations for working overtime (removing limitations to overtime work e.g. for medical staff)?

Any overtime related to the COVID crisis is compulsory and classified as a case of force majeure, the number of hours can exceed the maximum of 80 hours per year set in the labour legislation. According to the applicable legislations, these hours should be compensated for or paid, but this is not currently on the agenda.

6. Arrangement for paying for extra workload (health care etc...)?

See above

7. What measures have been introduced to create fiscal space to fund health care, economic measures etc. against COVID-19 (salary cuts, freeze of recruitment, promotions...)?

Not on the agenda

8. Other measures

The health authorities are hiring, with different legal solutions, a number of additional health professionals:

- 8 000 doctors finalising their specialisation in public hospitals, by extending their contracts*
- 11 000 doctors and nurses who recently passed the examination to start their specialisation but did not reach a ranking level high enough to be assigned to a hospital*
- 14 000 doctors and nurses retired in the last two years*
- 17 000 medicine and nursing students in their graduation year (to provide support)*

The Minister of Interior is authorised to impose compulsory overtime and extraordinary tasks to all police corps.

The Minister of Interior is authorised to deliver compulsory instruction to private security staff.

The “four ministers” can require the Army to intervene (in practice, only the Military Emergencies Unit and some military aircraft are intervening).

Military officers implementing COVID-related measures are considered as authorised enforcement officials.

The Government has simplified and accelerated the procedures to allow for recognition of foreign qualification and work permits to around 200 foreign health professionals already living in Spain.

Accountability

1. How did you keep the national parliament operational? Any simplification of parliamentary procedures?

The Parliament is operational; most Members of Parliament use electronic voting, regulated in 2012 for situations including maternity, paternity or serious illness. Most regional parliaments and some local councils are also holding online sessions. Parliament sessions remain public through broadcasting.

The Government is authorised to issue additional decrees to modify or increase the state of alarm decree, being obliged to inform the Parliament.

The decrees-law (decrees adopted by the Government but having the force of a law) need to be ratified by the Parliament.

2. How about the Ombudsman (e.g. overseeing the situation in prisons)

The national and regional ombudspersons are operational and actively following the Governments’ actions relating to the COVID crisis (for instance about situation in prisons or about confinement and autistic children).

3. Does administrative justice work? Have deadlines changed?

All deadlines related to court procedures are suspended during the state of alarm, with some exceptions to guarantee individual rights

4. Any public debates in respect of principles of good administration (legality, proportionality, predictability) of protective measures?

No public debate among mainstream parties, except the issue about centralisation (see Centre of Government, 2nd question)

Service delivery

1. Which services are being delivered (all, some, only the essential)?

Nearly all public facilities are closed. The services available online are being delivered, whenever possible.

The Civil Registry has increased its opening hours (on-site and/or online) to accelerate burial procedures.

2. Are there any modifications done to the obligations of:

- i. the administrations towards citizens/businesses (e.g. freezing of deadlines)?*
- ii. citizens/businesses towards public administration (reporting, payments of taxes, contributions, fees...)?*

All deadlines related to administrative procedures by any public body are suspended during the state of alarm, with some exceptions (related to COVID, protection of general interest or protection of citizens' rights)

Terms of statutes of limitations or expiration deadlines are suspended

Tax-related deadlines are suspended

3. Has the crisis initiated any simplifications or enhanced the use of alternative tools :

- i. in the internal procedures of the Government (e.g. acceptance of formal approvals over e-mail)?*
- ii. in the administrative procedures with citizens and businesses (e.g. replacement of handwritten signature with scanned copies or simple exchange of mails)?*

*ID cards expiring during the state of alarm period are automatically extended for one year
Teleworking is facilitated across all sectors of the economy through a radical simplification of occupational risk procedures*

The administrative agreements related to COVID are immediately effective, without requiring the procedures included in the Law on the Juridical Regime of the Public Sector.

Online sessions of Government bodies of all businesses and other organisations under private law are valid, even if not foreseen in their internal regulations; deadlines to comply with certain obligations are extended.

Public financial management

1. Are Covid-19 response measures being introduced within the framework of or with reference to existing fiscal rules (budget deficit or public debt ratio limits etc...)

The Ministry of Finance is performing all budget amendments required (transfers between budget sections)

The local governments have additional budget flexibility to spend on COVID-related issues

2. Are the cost of these measures being published?

No data available

3. Have budget users been asked to identify cost-saving measures to partially offset the cost of the response measures?

Not on the (public) agenda

4. Are internal controls continuing to operate smoothly (electronic signatures)?

No data available

5. Does each budget user or at least ministry have a risk management strategy that envisaged emergency measures in response to a sudden crisis? How is staff and customer safety balanced against the need to deliver required services?

The 2011 Law on Public Health has not been fully developed and implemented (a key decree regulating information flows and creating a monitoring network [Red Nacional de Vigilancia en Salud Pública] is still not adopted). The Ministry of Health has a unit in charge of a national alert system regarding health emergencies, connected with the regional governments

The Civil Protection system is regulated by the 2015 Ley del Sistema Nacional de Protección Civil.

Ministries and other public organisations have defined strategies regarding work-related risks.

6. Public procurement (similar measures have been taken at regional and local level)

Service and supplies contracts that could not be completed because of the COVID crisis are suspended until required; the contracting public authority should pay the liquidated damages (salaries, rents, maintenance...); the suspension of the contract does not lead to termination

For public works, services and supplies: deadlines will be extended to allow the execution of the contract, without any penalty

Concession contracts (for public infrastructure): the term (duration) of the contract will be extended or financial compensation will be provided

Certain types of contracts are excluded

Contractors cannot use the suspension of contracts due to the COVID crisis as justification for redundancy schemes presented to the labour authorities under any circumstances

New contracts required to address the COVID crisis will be awarded following the emergency procedure (the same as when dealing with a catastrophe)

7. Other measures related to public administration or public services

The “four ministers” can order seizures of required goods and can impose compulsory actions on individuals. They can also take control of private hospitals, hotels or any factory producing or able to produce COVID-related goods.