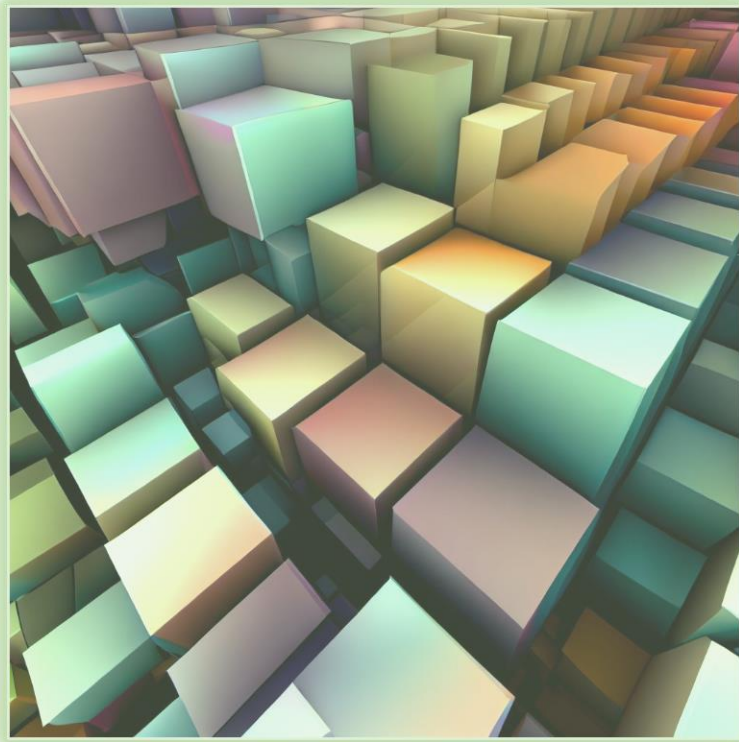


ADMINISTRATIVE SIMPLIFICATION IN SPAIN: A *MAP*



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Introduction

The current context impels Public Institutions to become more aware of the economic and social costs resulting from their intense legislative and regulatory agenda. Administrative procedures and formalities applicable to economic operators follow suit when new and amended regulations and acts come into force. This pressure on the Public Sector is accentuated by a multidimensional landscape, ranging from ever-growing economic integration, convergence processes (e.g., within Member States in the EU), an increased push for competitiveness in global open markets, all the way to a perceived necessity for an upgrade of our legal framework, in order to generate more wealth, release talent and build a prosperous future.



Regulation production, when rampant, equals legal uncertainty. Excessive or redundant bureaucracy or red tape¹ hamper the direct link between citizens, entrepreneurs and the Public Sector, being the latter supposed to serve them all. By the same token, it may well become a liability for economic competitiveness.

Public Administrations must get rid of unnecessary, *overbureaucratic* components and techniques, hence fine-tuning administrative work methods in order to better deliver to society. Through internal management measures, administrative tasks and duties established by the legal system can be executed more efficiently.

In a particularly decentralised framework, both the Spanish General State Administration (with a special push from the Ministry of Finance and Civil Service) and the different departments within the autonomous communities or regions, in charge of administrative burden reduction and simplification public policies, have been developing strategies and plans to better address competition issues, as well as elevating the quality of public service delivery to citizens and companies.

It is undisputedly useful to offer readers a summary of the efforts already under way. Visibility is key and this document can stimulate benchlearning, awareness-raising and experience-sharing.

This second edition of the 'map' of simplification of procedures at the Spanish Public regional and national level revisits a prior effort made by the central State and the autonomous communities between 2020 and 2021.

We consider particularly interesting the designation of this document not as a report, a memory or a compilation, but as a 'map'. Although it is not, strictly speaking, a graphical representation of a physical space, this work claims to be some sort of chart or plan. A tool for those interested in this field of study, providing guidance through the sometimes haphazard and divergent paths of regulatory quality and administrative simplification implemented by public sector operators. In addition, the instrumental sense of the map has been endorsed by a content focused on providing a positive statement of the work done so far. We believe in the benefits of complementary work and synergies between different tools and, finally, we have the conviction that nothing stimulates more learning than an emphasis on best practices, accompanied by addresses and links to enable stakeholders and public sector managers

¹ [Cutting Red Tape: Why is Administrative Simplification so Complicated? - OECD](#)

to reach immediately to the source and to start a fruitful dialogue between administrations and civil servants.

Going back to the idea of a new version, rather than a brand new document, we should remember that in the meeting of the interadministrative network for quality in the public services (*red interadministrativa de calidad en los servicios públicos*, a working group for co-operation and experience-sharing between the national, regional and local levels of government) held on 9 December 2020, the Ministry of Finance and Civil Service brought to the table the possibility of drafting a *map* of the procedures subject to simplification in all Public Administrations, in order to better know the current situation and find common grounds. This initiative was welcomed, and right after that meeting, contacts were initiated between components of the network, resulting in the drafting of a questionnaire among central and autonomous governments, which was subsequently sent for its completion. To do so, information on the approach to administrative simplification and legal burden reduction by different territorial and functional levels of government was compiled and shared, as well as contact details.

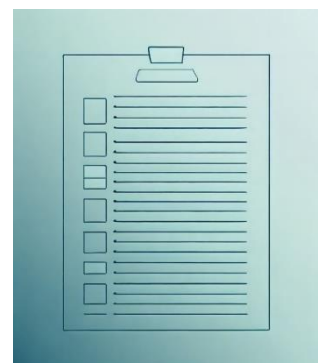
After this first effort, following on the footprints left in 2021, three main findings stood out: (i) a regular update of the content in the first map, giving visibility to the changes, improvements, and projects introduced from 2021 onwards, seemed appropriate; (ii) to extend its scope of action, efforts had to be made to assure the presence of all the 17 autonomous communities in Spain, next to the views of the central administration; and (iii) strengthening communication skills in order to spread the word remains an imperative. Hence civil society, international and European institutions and economic operators should receive one clear message: the plurality of public administrations in Spain are aware of the importance of better regulation, of debugging the legal system from unnecessary requirements, optimizing procedures and stimulating dialogue with the recipients of legal and administrative decisions. Even if the current scenario is far from ideal, a big deal of progress has been made.

The purpose of this questionnaire is to generate a document that describes the situation in each administration, to collect the measures implemented in each case, and to provide a starting point for experience-sharing. Acknowledging that this is a ‘photograph’, not a moving scenery on real time, we still hold that an update of the 2021 *map* is a sensible step towards the creation of a new multi-level, interadministrative network, partnership or working group, entitled to provide stimulus, offer a place for mutual learning and benchmarking in the particular field of legal burdens reduction, of regulatory offsetting and of administrative simplification in general.

Finally, we must warn the reader that the data, charts and conclusions in this document are the result of the replies made by respondents to the questionnaire first circulated in 2021 and revisited in 2023. Thus, we cannot claim to offer an ultimate, all-encompassing image of each and every one of the actions undertaken by each administration. Nonetheless, it is a fairly comprehensive compilation based on the responses given by the interlocutors consulted to the questions raised in the template.

Structure of the questionnaire

Since the aim was primarily a renewal of the 2021 map, the explicit choice of maintaining the same questionnaire was made, albeit with a new blank space for ‘other proceedings or issues of interest in the matter’ in which those who responded to the questionnaire could, if they wished to do so, add any other ideas, plans or reports in store, even if they did not fit perfectly in the prior categories, structure and questions laid in the questionnaire.



On 31 March 2023, the Ministry of Finance and Civil Service, more precisely, the deputy directorate of organization and procedures within the General Directorate of Public Governance, reached out to the autonomous communities who participated in the 2021 map, as well as those who did not respond two years ago, and sent their respective questionnaire. For those who already participated two years ago, a new questionnaire was sent containing 2021 answers next to the new, last blank field. Experts from the Ministry highlighted certain responses or extracts that could probably be updated, with the sole aim of facilitating the task. Alternatively, those autonomous communities that had not participated in the 2021 map were contacted and received the questionnaire for its completion. For this task, help was received from the secretariat of the interadministrative network for quality in the public services and contact details were shared. In addition, the list of specific points of contact included in the 2021 map proved very useful to maintain prompt contact and to persuade all those involved of the usefulness of a new edition of the map.

In the first edition, the starting point of comparison was the role played by the Ministry of Finance and Civil Service in the fields of administrative simplification and burden reduction. Since the same questionnaire was used for 2023 version, such structure remains. However, this does not imply whatsoever a need to replicate the work scheme maintained by the Spanish General State Administration, and as a result, regional administrations enjoyed freedom to, within the framework of the text of the questionnaire, make the necessary adaptations in it to better reflect their activity and work scheme. In a nutshell, the central government does not make any judgement or considers its scheme or conceptual framework as an example, leaving autonomous communities room for manoeuvre in the implementation of their own strategy. Each administration will develop the plan it considers best suited to simplify administrative procedures, reduce unnecessary administrative burdens, consulting stakeholders and improve the quality of its implementing regulations.

Methodologically speaking, the questionnaire is divided into 5 parts, covering:

1. Identification of the administrative unit answering the questionnaire. Especially useful for keeping alive a database of contacts that will allow future collaborations.
2. Analysis of administrative burdens or red tape. It pretends to know whether an impact analysis on administrative burdens is made or not, if so, the quantification of burdens methodology used, etc.
3. Consultation and stakeholders participation initiatives. Consult if there are channels of communication between stakeholders (citizens, entrepreneurs, associations) and the public sector, in order to enhance involvement and ownership. Tools to identify redundant procedures, overlapping measures and/or unnecessary formalities bore by citizens and companies.
4. Administration simplification and burden reduction initiatives. It pretends to know whether the administration carried out, or not, a systematic, internal analysis approach to improve procedures.
5. Use of the 'One In One Out' principle, or regulatory burden offsetting. Implementation/monitoring of this principle in order not to increase bureaucratic burdens or red tape when new regulation comes into force.

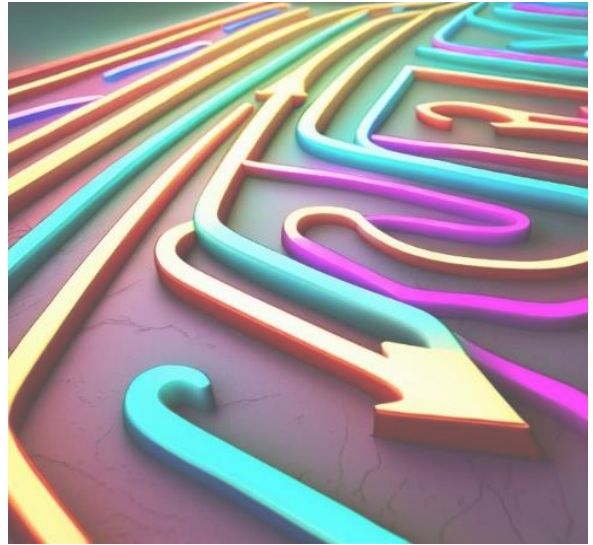
The concrete answers developed for each paragraph and in each autonomous community can be read in the annex to the Spanish version of the map (link below²).

² [Simplificación de Procedimientos en las Administraciones Públicas. Mapa de Situación \(hacienda.gob.es\)](https://www.hacienda.gob.es/Mapa-de-Situacion)

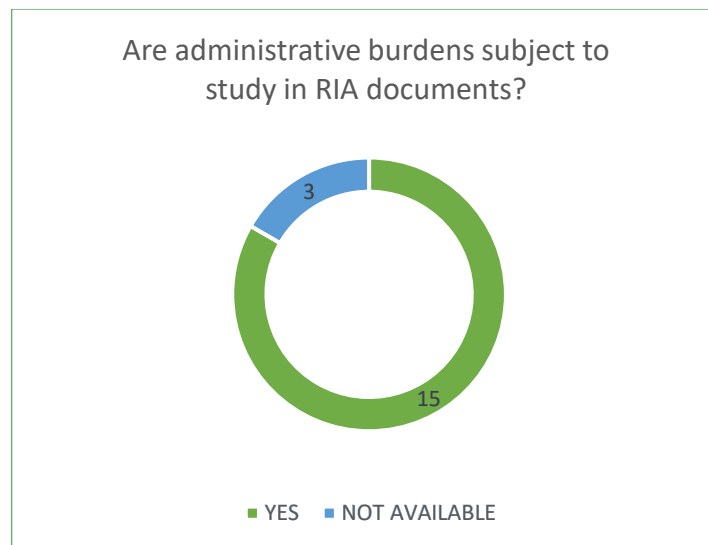
1. ANALYSIS OF ADMINISTRATIVE BURDENS

First question of the questionnaire asks if administrative burdens are present on Regulatory Impact Assessment (RIA) documents, and if so, how. Special focus on:

- Quantification of administrative burdens. Methodology used.
- Existence of a Guide for the elaboration of RIAs.
- Training of staff related to administrative burdens reduction.
- Specific regulations on this topic.
- Department/Unit concerned.



Some of the main findings in this part of the questionnaire are:



15 (14 autonomous communities + central administration) claimed to particularly study administrative burden impact when drafting new legislation and regulation, by use of some sort of Regulatory Impact Assessment document (in Spanish often referred as *Memorias de Análisis de Impacto Normativo* or MAINs).

11 make use of the Standard Cost Model³.

³ <https://www.oecd.org/regreform/regulatory-policy/34227698.pdf>

Only 8 have a specific guidebook to elaborate Regulatory Impact Assessments, including administrative burden impact assessment.

Civil servants' training on administrative burden reduction is available in 10 autonomous communities and the central administration.

As a general assessment, it can be said that in almost all the autonomous communities there is legal basis providing a clear analysis of administrative burdens on drafted regulation. Those lacking specific norms, however, enjoy certain provisions with similar or equivalent goals. Development and implementation of *ex ante* analysis of administrative burdens is not homogeneous in all regional levels of government. Not all autonomous communities make use of a holistic approach to RIA documents (in Spanish, *Memorias de Análisis de Impacto Normativo* or MAIN), where a single document covers a wide range of policy impacts, including administrative burdens or red tape. Some regions opt for a myriad of documents or reports dealing with a variety of policy impacts. In any case, it can be asserted that there is awareness on the importance of impact assessment when drafting new legislation or regulation, particularly on the creation or reduction of administrative burdens to citizens and companies. Quantitative efforts in the shape of administrative burden cost estimations through a methodology (like the Standard Cost Model or SCM) are present at the central level but not totally widespread on regional levels.

It seems clear that among those regional authorities that include burden quantification, a simplified version of the Standard Cost Model is the norm, as it is also the case in the central level of administration. Designed by the OECD, SCM was included in the central administration's RIA toolbox and used too by autonomous communities' better regulation policies and rules. This point of methodological convergence can facilitate comparison, benchmarking and peer learning. Simultaneously, it locates Spanish Public Administrations in a place of international and contextual consensus on how to measure administrative burdens.

Generally speaking, impact on administrative burdens provisions are implemented in a large majority of public administrations, for all kinds of regulatory projects, from laws to decrees and orders. Nonetheless, we do miss some extra information in cases of emergency regulations passed by the executive bodies (known in Spain as Decrees-Laws). In some communities, the study of burdens is not made for all kinds of regulation projects, but only in those having a particular impact on businesses, professionals or involving information obligations. This reality, in the other hand, may be reasonable. In fact, it is not uncommon that, in the General State Administration, RIAs declare that the proposed rule does not affect whatsoever administrative burdens, and thus does not require an estimate via SCM methods, as long as this statement is later confirmed by the report of the unit holding RIA oversight competences, according to paragraph 5 of article 26 of the Law 50/1997, 27 November, of the Government. Presumably, the same could be said in a wide spectrum of regional regulations, as the concept of administrative burdens has common features regardless of the administrative level in charge of a policy.

Approximately half of the government levels that have replied to the questionnaire (17 autonomous communities plus State General Administration) have designed a guide for regulatory impact analysis practices.

Last but not least, training of public employees in the field of burden reduction is frequent but not unanimous. Time dedication and the frequency of this training paths is still far from systematic.

2. STAKEHOLDER'S ENGAGEMENT: PARTNERSHIPS WITH COMPANIES AND CIVIL SOCIETY



Public Sector's administrative burdens reduction strategies are laid for the purpose of improving competitiveness and contributing to a progressive and permanent surge in the quality of public services provided by public administrations to companies, self-employed workers, associations and citizens. A way to enhance business and civil society participation in such policies, is the signing of public-private partnerships. Being the necessity to adapt to the needs of those stakeholders ubiquitous, it is no surprise that signing formal agreements or partnerships with certain representative organizations -such as chambers of commerce, unions, business associations, third social sector entities, consumer's rights associations, stakeholders with disabilities, etc.- may channel reform demands,

simplification proposals, redundant procedures identification processes for communicating views and proposals for improving current procedures from special stakeholders to regulatory and policy implementation public bodies and units.

The questionnaire tries to find out and give visibility to those public-private partnerships conducted in the past and present by regional and national levels of government. In 2021, OECD stated that Spain "is gradually stepping up its Better Regulation efforts by expanding its initial focus on administrative simplification through the development of stakeholder engagement and *ex post* evaluation". Thus, most autonomous communities show specific channels of communication in order to simplify procedures and cutting red tape. Some apply open, unspecific activities, while others have established permanent, burden-reduction and simplification mailboxes and meetings. To this date, the Spanish central administration has signed seven agreements⁴ with different stakeholder's representative associations with concrete burden reduction proposals received each year, after conducting a good number of meetings with members of the civil society.

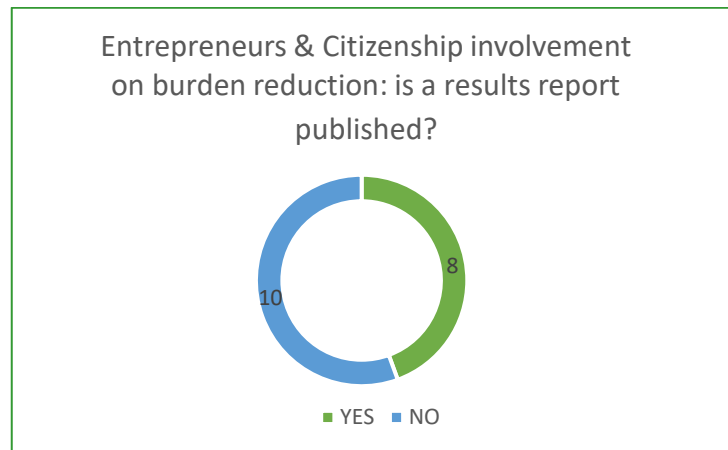
To give a few examples, currently two autonomous communities (Región de Murcia and Comunitat Valenciana) follow central government's path having in force public-private partnerships or agreements with entrepreneurial and people with disabilities associations. Others make use of open government fora to let these stakeholders have their say, and some have developed plans for economic repowering, public reform and modernization, or social pacts. Catalunya has an *ad hoc* commission and a counselling body to facilitate economic activity and an *ad hoc* procedure for business operators' rights and interests. Other regions manifest having similar working groups or agencies (e.g. *Doing Business Galicia* office, or Andalucía's Public Agency on Competition and Economic Regulation, ACREA).

Finally, multi-level co-operation remains possible and plausible. For instance, agreements between the central administration and stakeholder's associations give way to many simplification proposals that apply or affect not only the scope of action of central administration bodies and units, but regional ones as well. In those not-so-rare cases, the Ministry of Finance and Civil Services sends these proposals affecting autonomous communities' competences to the 17 regional public bodies, for their own consideration and reply. In 2022, collaboration of this type has resulted in the participation and elaboration of regional answers to stakeholder's simplification and burden reduction proposals by

⁴ List of Public-Private Partnerships available here: [Convenios con organizaciones \(hacienda.gob.es\)](https://www.hacienda.gob.es/convenios)

three autonomous communities (Andalucía, Extremadura and La Rioja), therefore delivering a much complete and comprehensive response to stakeholder's demands. Bare in mind that stakeholder's proposals do not fully take into account the legal and competence complexities of such a decentralized State like Spain, with many levels of government dealing with, for example, economic activity regulation.

The main finding in this part of the questionnaire is:



Almost whenever businesses and citizens are involved in active burden reduction activities, there is some sort of accountability mechanism, often a published report made available online.

3. ADMINISTRATIVE SIMPLIFICATION AND BURDEN REDUCTION ACTIVITIES

When civil society is actively involved and engaged in administrative simplification and burden reduction, Public Administration comes closer to citizens and entrepreneurs, institutions make a more efficient and diligent use of public resources and are capable of releasing procedures from redundant formalities. As a byproduct, public sector employees are able to focus on tasks with an added value.

The economic, social and public health context of the past two years has left a footprint on the Public Sector. In the particular case of simplification and burden reduction, these policies have proven effective in order to supply stimulus on economic activities, badly needed after the necessary restrictions laid down during the covid-19 pandemic. Thus, numerous projects, plans and drafts were elaborated to pave the path for a back to normal, more streamlined relationship between public bodies and self-employed people, entrepreneurs and SMEs.

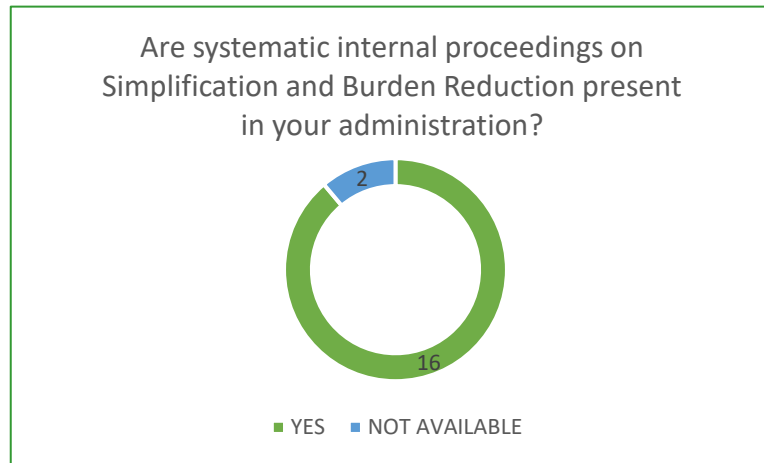


Constant monitoring, to prevent an increase of non-indispensable red tape, is a public policy *must-have*. It is also the case when addressing new or renovated administrative procedures. To that end, *ex ante* administrative simplification measures ought to be put in place, as well as an *ex post* assessment,

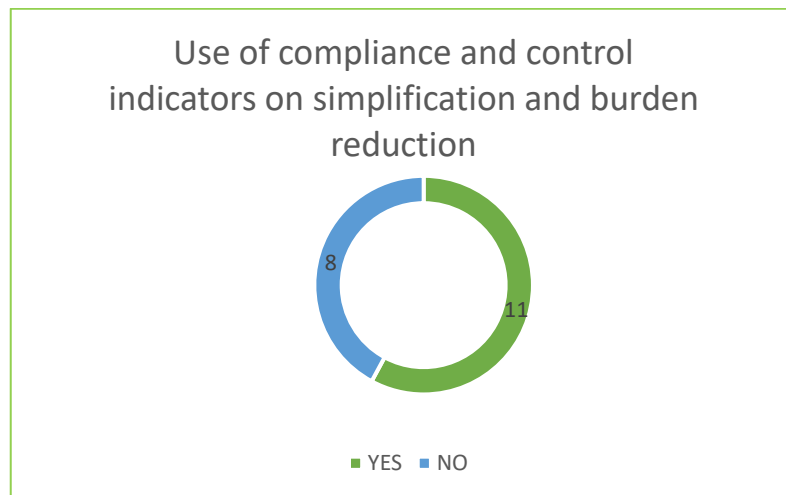
measuring the effectiveness of those measures as well as “cleansing” the legal system of customs and practices no longer justified or necessary. Regulations and procedures are fit for their purpose only if social, economic, environmental, etc. benefits justify and exceed their costs on operators.

Keeping this mindset, this map tried to acquaint itself with the internal, systematic, improvement lines of work regional and central authorities have implemented over time as per procedures simplification and bureaucratic burden reduction. In addition, we wanted to know who was in charge of them and the fact that there is -or not- a public report accessible, plus any laws and regulations applied.

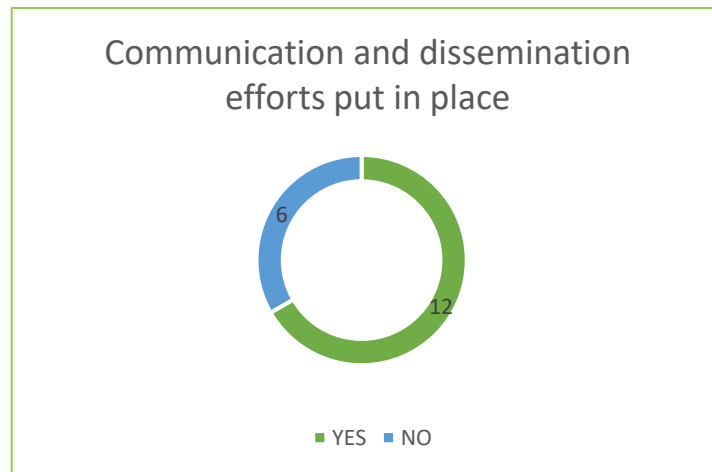
Some of the main findings in this part of the questionnaire are:



16 respondents (15 autonomous communities + central administration) claim to have a systemic, internal proceeding to boost simplification and burden reduction in their level of government, be it a strategic plan, a guidebook, a periodic report or a service inspection programme, among other measures.



Out of those 16, compliance and control indicators seem to be applied in 11 cases. Communication and dissemination efforts are present in 12.



To sum up, results show different approaches. Most regional administrations, as well as the general state administration undertake proceedings to assess their current situation and explore ways for improvement. These may be periodic instruments, cross-cutting reports or, in a smaller number of cases, one-off studies tied to new laws and regulations entering into force. Since the previous version of this map, we can witness a positive development in terms of communication and dissemination, both internal and external, as well as a more thorough use of indicators to better monitor compliance with the goals set. Nonetheless, it would be necessary to study with more detail the use of performance indicators, and to analyse the impact of dissemination activities to truly judge the work done so far, particularly to fact-check if communication efforts reach the general public.

4. ONE IN ONE OUT APPROACH. PRINCIPLE OF ADMINISTRATIVE BURDENS OFFSETTING

By adopting a number of rules to limit the scope of administrative burdens and cut red tape, regulators are building up a discipline more inclined to effective and efficient legal choices. Burden offsetting approaches are being implemented among States of Spain's legal environment (EU and OECD member States, primarily) based on the "one in-x out" rule. One in-x out principle roughly consists in the compensation or offsetting of new administrative burdens created via new regulations, with a reduction of already existing burdens.

The burden offsetting principle in Spain is applied through a one in-one out policy, put in place by the Law 14/2013, September 27, on Support to Entrepreneurs and their Internationalization. Article 37 of the forementioned Law states that "Public Administrations who, exercising their respective competences, create new administrative burdens for companies, will at least



remove one existing burden of an equivalent cost”⁵. This article, drafted in accordance with article 149.1 xiii) of the 1978 Spanish Constitution, holds the title of State’s basic legislation, under the framework of the State’s legislature prerogative to pass Laws dealing with the ‘bases and coordination of general planning of economic activity’, and therefore is directly applicable to all Public Administration levels in the country.

This one in-one out (or OIOO) rule means that any increase in costs for companies resulting from a new rule, must be accompanied by the elimination of an existing burden. The overall aim is therefore no net increase.

European Commission (EC) has published various communications and reports, such as “Better regulation: Joining forces to make better laws⁶” and the latest annual survey on administrative burdens “Annual Burden Survey 2022⁷” that promote activities within the EU to apply burden offsetting in new legislative proposals made by the Commission. Reducing existing burdens in the same policy area has become key for EU lawmakers. In 2021, the European Commission launched a pilot project to test EC’s regulation drafting guides, its working methods and offsetting measurement.

Some of the initial findings read as follows:

- The EC significantly strengthened its working methods by changing practices towards increased quantification and improvement of cost estimates.
- Designing the OIOO calculator was done in a consistent and flexible manner to cater for different situations faced.
- Working on a positive interplay between the OIOO approach and the REFIT programme allowed to comprehensively cover costs and beneficiaries in the overall reporting of the annual burden survey.
- Ensuring to the greatest possible extent compensation of adjustment costs and a quantification of wider benefits to avoid unbalanced discussions.
- Including one-off administrative costs that are to be offset together with recurrent administrative costs.
- Ensuring the costs and cost savings relevant for OIOO were clearly presented in impact assessments required adaptation of the impact assessment template.

EC Communication “Better regulation: Joining forces to make better laws”, emphasises on the following: “Experience in the Member States has shown that the introduction of approaches such as ‘one in, one out’ prompts policymakers to look beyond policy objectives. It draws their attention to the practicalities of implementing policies. With the introduction of the ‘one in, one out’ approach, we want to strengthen a policymaking culture that not only ensures that we achieve our policy objectives, but also pays closer attention to *how we do so*”. In conclusion, better regulation through OIOO is both a process and result-based mechanism.

Putting it shortly, in line with European and Western trends, the one in-one out logic has been implemented in Spain’s central administration for almost a decade, and it was given legal status by its

⁵ In Spanish, read [BOE-A-2013-10074 Ley 14/2013, de 27 de septiembre, de apoyo a los emprendedores y su internacionalización.](#)

⁶ eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0219

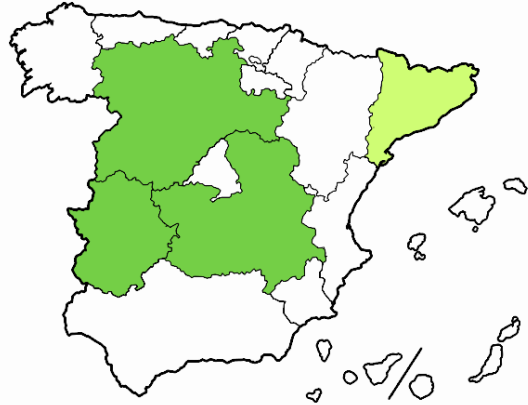
⁷ https://commission.europa.eu/publications/annual-burden-survey_en

introduction in the Law 14/2013, September 27, on Support to Entrepreneurs and their Internationalization.

To this date, seven central level one in-one out reports have been produced by the current Ministry of Finance and Civil Service, and an eight report is expected to be published in the last trimester of 2023⁸.

In this last section of the map, we tried to update the status of OIOO or burden offsetting principle in Spain at both regional and central levels of government. Awareness on the level of implementation of the principle, and the rules governing it, its exceptions to implementation and the competent unit to monitor OIOO has enabled us to get an overview of the matter.

After carefully reading 17 regional questionnaires, we can say that Castilla-La Mancha, Extremadura and Castilla y León conduct a follow-up of the OIOO principle in accordance with article 37 of the Law 14/2013, September 27, on Support to Entrepreneurs and their Internationalization. Additionally, Catalunya suggests that although there is no explicit follow-up of the principle under the OIOO logic, they identify and quantify the burdens included in their Regulatory Impact Assessments (RIAs). This work has been done thus far since the beginning of their 14th autonomous legislature until 31 December 2022. During this period, burden reduction measures add up to more than 6 mil. Euros.



Other autonomous communities argue that, though indirectly, follow-up work of the OIOO principle is done. Hence, net balance of administrative burdens generated by new rules is not positive, meaning that at least equilibrium is reached.

With regards to the General State Administration, it has searched an increase of competitiveness of the domestic private sector, and concerns about public sector trust are present. Institutions in their daily work use the OIOO methodology with a two-fold goal: firstly, as a tool to control the expansive trends of Spain's complex legal system; and secondly, as a resource to recall the principles of responsibility and proportionality to policy makers. The obligation to compensate burdens arising from new regulations through the reduction of existing ones decisively contributes to these objectives.

More precisely, at the central state level, implementation of the OIOO principle and scheme dates back to a history of annual reports, as already mentioned, published from 2015 onwards. It can be concluded that there has not been a net increase of administrative burdens since then, because newly introduced regulation that included new burdens has been offset by other rules and procedures that have been able to reduce burdens. Offset mechanism works by entry in force of burden-reducing regulation, as well as through the implementation of ministerial annual simplification and burden reduction plans (in Spanish, often called PSRCs⁹) also compulsory for Ministries (PSRCs include burden reduction measures in the public agencies attached to each Ministry).

At the regional level of government, according to data found in the questionnaires provided, no OIOO follow-up specific report or thorough public document has been found.

⁸ More information about OIOO reports in the central administration available here: [Compensación de cargas administrativas. One in - one out \(hacienda.gob.es\)](https://www.hacienda.gob.es/compensacion-de-cargas-administrativas)

⁹ funcionpublica.hacienda.gob.es/en/gobernanza-publica/inspeccion/simplificacion.html

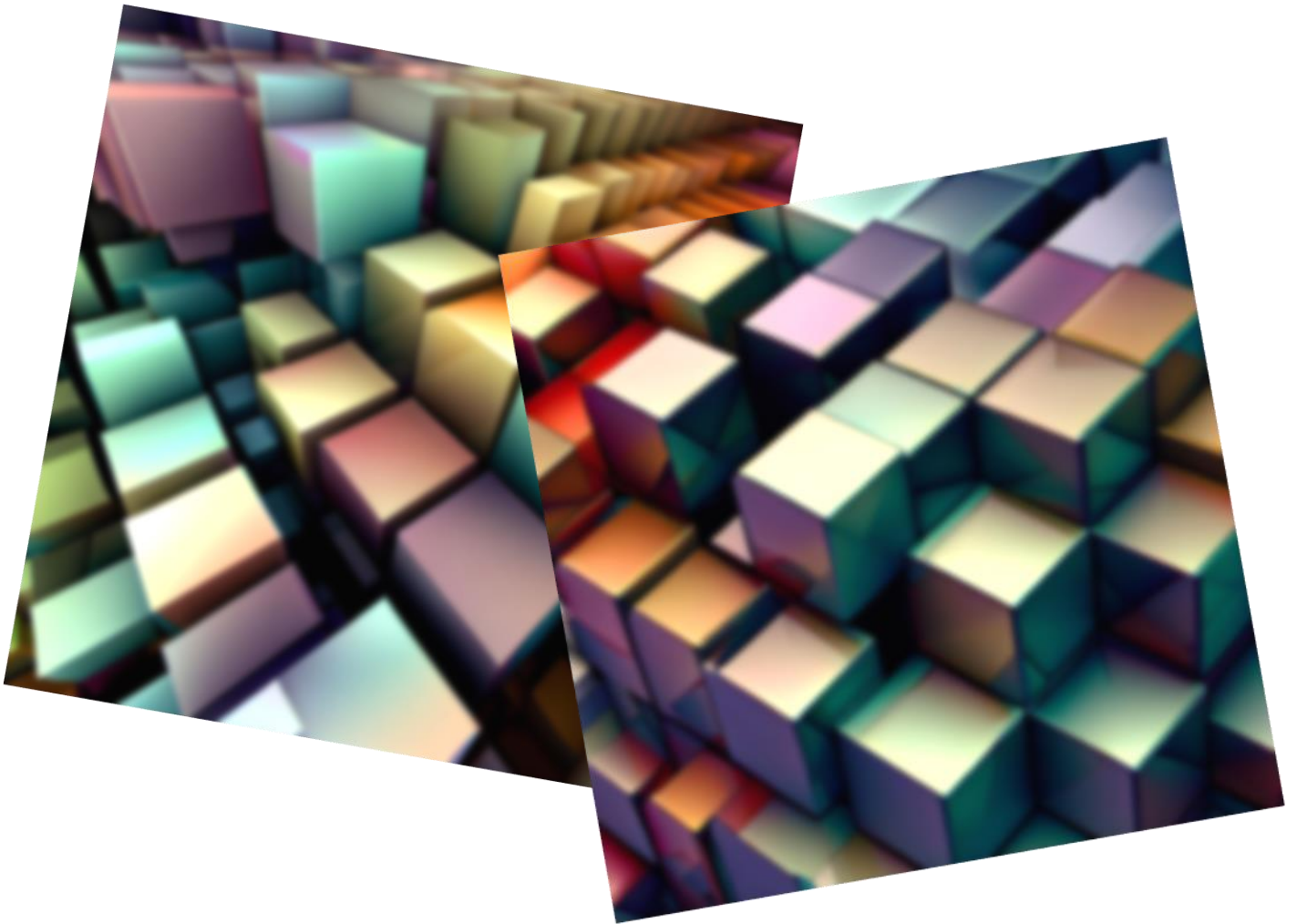
5. EPILOGUE

Continuous improvement is key. So is visibility and experience-sharing. The main aim of this document is therefore to give a panoramic view of what regional and central authorities in Spain are doing in line with administrative simplification, burden offsetting and stakeholders engagement, with a particular emphasis on regulatory activities that impact business and economic activities.

From the 2020 original idea to the 2023 renewed efforts, this English report roughly translates the content of the latest Spanish document 'Simplificación de procedimientos en las Administraciones Públicas. Mapa de situación' to international and European readers eager to know more about Spain's work towards a simpler, more understandable and efficient administrative legal order.

The Spanish presidency of the EU Council during the second semester of 2023 seemed the perfect time to draft a document that could prove helpful when explaining Spain's situation, and the hard, consistent work done so far, despite the need of further improvements and more simplification policies.

Finally, on behalf of the Ministry of Finance and Civil Service, a special acknowledgement to all those civil servants in the 17 autonomous communities and all public agencies and bodies whose collaboration has been crucial to make this humble take on administrative simplification not just a project but a tangible reality.



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