

Delegation of Spain

**STATEMENT BY AMBASSADOR FERNANDO VALDERRAMA,
PERMANENT REPRESENTATIVE OF SPAIN TO THE OSCE, AT THE
907th MEETING OF THE OSCE PERMANENT COUNCIL**

29 March 2012

**In response to the report by the
OSCE Representative on Freedom of the Media**

Like the speakers before me, I wish first of all to welcome the Representative on Freedom of the Media. I shall not comment on her report, since Spain has of course subscribed to the statement by Denmark on behalf of the European Union. I should like, however, speaking for my country, to inform all those present about a subject concerning Spain that was mentioned in the written report that has been distributed.

On 21 February, Ms. Mijatović wrote to the Spanish authorities requesting information on the draft law on access to information. I am pleased to report that last Friday the Council of Ministers approved the draft Law on Transparency, Access to Public Information and Good Governance.

The text has already been sent as a government proposal to Parliament, which has legislative power in these matters. The Spanish Government has published the complete text of the draft, which is easily accessible on the Internet, and has also initiated a period of public electronic consultation, during which any person wishing to do so can submit comments on the proposed text and add contributions of their own by filling out a simple form on the Web. This is in line with the actual meaning of openness, transparency and adherence to democratic principles that is behind this law and is consistent with one of the recommendations made by the Representative on Freedom of the Media.

The new law is aimed at expanding and guaranteeing the right of access to public information by subjecting all information regarding administrative activity to greater public scrutiny and by making transparency an active requirement in ensuring that the workings of government are more understandable to the public.

The transparency-related provisions of the law will apply to all local, autonomous and regional government agencies, to public sector enterprises and foundations, to Parliament (Congress and Senate), to the Constitutional Court, to the General Council of the Judiciary, to the Council of State, to the Ombudsman, to the Court of Auditors and to the Economic and Social Council.

One of the most significant innovations introduced by this law is the establishment of a series of active disclosure obligations. What this means is that the reporting parties will be required to make available to the public, actively and without any prior request, information considered to be of interest to them. In this way, information concerning institutions, organizations, planning, legal or economic matters, the budget and statistics will be made public on the relevant web pages.

In order to meet these active disclosure obligations, a Transparency Portal will be set up under the General Administration of the State to bring together all the information to be made public.

Another major innovation introduced by this law is the expansion in subjective and objective terms of the right of access to information held by public institutions.

Lastly, the new law contains a section on good governance, which establishes a set of ethical principles to be followed and steps to be taken in the work of government and senior officials, Autonomous Communities and local entities, and which in addition provides for a system of penalties.

Without doubt, this new law is in line with OSCE commitments and with the recommendations made by the OSCE Representative on Freedom of the Media as well as by other international bodies. Its clear purpose is to ensure and strengthen the right of citizens to access information and to promote transparency in the activities of the executive, legislative and judicial branches of government.

Thank you for your attention.