

Artificial Intelligence, Big Data and Fundamental Rights

Country Research Spain

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¹ Report prepared by Ecorys. While every effort has been made by the FRA contractor to refer to relevant national institutions, policy developments and law relating to the field of AI and fundamental rights, given the wide reach of AI developments and the quickly evolving nature of the field there may be omissions or recent developments at national level that are not referred to in this country research.

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Abbreviations

AECID	Agencia Española de Cooperación Internacional para el Desarrollo
AEI	Agencia Estatal de Investigación
AEPD	Agencia Española de Protección de Datos
AEPIA	Asociación Española para la Inteligencia Artificial
AESAN	Spanish Agency for Food Safety and Nutrition
AI	Artificial intelligence
CAHAI	Ad Hoc Committee on Artificial Intelligence of the Council of Europe
CEA	Spanish Committee of Automation
COSCE	Confederación de Sociedades Científicas de España
CSIC	Spanish National Research Council (Consejo Superior de Investigaciones Científicas)
EECTI	Spanish Strategy on Science, Technology and Innovation (Estrategia Española de Ciencia, Tecnología e Innovación)
GDPR	General Data Protection Regulation
OECD	Organisation for Economic Co-operation and Development
SME	Small and Medium Enterprises

1 Constitutional and institutional context

1.1 Map of the major stakeholders

1.1.1 National bodies and agencies

Parliament and government

Spain is a constitutional monarchy, which recognizes the monarch as head of the state with a nominal and representative—rather than political—role within the state. The legislative power and control over the [Government](#) belongs to the Parliament ([Cortes Generales](#)), which is composed of the [Congress of Deputies](#) (lower house of 350 Deputies) and the [Senate](#) (upper house of 266 Senators). The parliament is also entitled to establish taxes, approve the national budget and ratify international agreements, besides other functions established by the [Spanish Constitution](#) (1978).

Given their role in the legislative process, the Congress of Deputies has the most authority of policies around artificial intelligence. In July 2018, the Popular Party ([Partido Popular](#)) [proposed](#) a law to develop a national strategy to advance AI and incorporate it within decision-making processes, especially within the financial, health and transportation sectors. This proposal also focused on fostering the growth of SMEs specialized in AI, preparing a national plan on professional training on AI and creating a legal framework for the use of robotics and AI that would be in line with the EU recommendations. The first version of the [National Strategy on AI](#) was issued in 2019.²

Within the public administration, the Secretary of State for Digital Transformation ([SEAD](#)), which is part of the Ministry of Economy ([MINECO](#)), is responsible for coordinating strategies, initiatives and plans to implement digitalization policies in the country.

From a fundamental rights perspective, the Spanish Data Protection Agency ([Agencia Española de Protección de Datos – AEPD](#)) is one of the most active national agency as concerns the data protection. Their role in this space will only increase as they have been examining different questions related to big data, AI, machine learning and other data processing techniques (see section [1.4](#)).

Regional bodies and agencies

Spain is composed of [17 autonomous communities](#) (*comunidades autonomas*) including the autonomous cities of Celta and Melilla. Each

² This strategy is described more in detail in the section on *National strategies and guidelines*.

community is composed of provinces (*provincias*), of which there are 50. Autonomous communities have substantial freedom to take decisions on social, economic and territorial policies. They also have their own legislative (*Parlamento autónomo*) and executive institutions (*Gobierno autónomo*).

There have been different regional initiatives related to AI, such as one in the Aragon autonomous community where one of the political parties suggested to develop a “Autonomic plan to foster the AI development in Aragon”³ in 2017.

Advisory councils

State Research Agency ([La Agencia Estatal de Investigación](#) [AEI]) is a public agency that allocates and monitors public funding to research institutions and individual researchers in the sciences. It also certifies, with the help of an international commission, the excellence of research centres as centres of excellence “Severo Ochoa” or research units of excellence “Maria de Maestu”, which means that these research centres or units have gained international recognition and have created strong social and business partnerships within their field of activity.⁴

The Spanish National Research Council ([Consejo Superior de Investigaciones Científicas](#) [CSIC]) is a public agency that belongs to the Ministry of Science, Innovation and Universities and is the biggest public research institution: probably it is also one of the most important players within the national borders as concerns bringing into being the national politics on science and technology. Many scientific institutes, research centres and other public research institutions (such as universities) belong to this council and therefore there are many synergies that emerge between different members of this council: for example, last July, the [Institute of AI Research](#), the [Institute on Automation and Robotics](#) and other institutions organized the debate “The AI impact on our society, the challenges and opportunities.”⁵ Just recently, on October 7th, 2019, another event related to AI also took place at the premises of the council: this time the researchers from the Institute of AI Research, Institute of Industrial Robotics and Institute of Politics and Public Goods together with other researchers organized another public

³ Unfortunately the authors of this report could not access the proposal itself. More about it, see Política, ‘El Par Pide Un Plan Que Estimule El Desarrollo de La Inteligencia Artificial En Aragón’, Aragón Digital, 28 November 2017, <http://historico.aragondigital.es/noticia.asp?notid=161790&secid=3>.

⁴ Examples of centres of excellence “Severo Ochoa” are, just to cite a few the following: Institute of Neuroscience in Alicante, ‘Instituto de Neurociencias de Alicante’, 2020, <http://in.umh-csic.es/>; Institute for Research in Biomedicine, ‘Institute of Biomedicine’, IRB Barcelona, 2020, https://www.irbbarcelona.org/en/home_2k19; Department of Experimental Sciences and Health University Pompeu Fabra, ‘Maria de Maestu’, 2020, <https://www.upf.edu/web/biomed/inici>.

⁵ Consejo Superior de Investigaciones Científicas, ‘López de Mántaras: “El Potencial de La Inteligencia Artificial Es Enorme. Nuestro Deber Es Reducir al Máximo Sus Aspectos Negativos”’, 6 June 2019, <https://www.csic.es/es/actualidad-del-csic/lopez-de-mantaras-el-potencial-de-la-inteligencia-artificial-es-enorme-nuestro>.

debate on ethical implications of AI on education, healthcare and healthcare services.⁶

The interest of the Spanish National Research Council in AI and its social, legal and ethical impact is also reflected in the variety of publications on this topic freely available in the digital library of the Council.⁷

Research institutions

There are many research groups within Spanish public and private universities working on AI from ethical, legal, technical, social and other perspectives. For example and besides other research institutions already mentioned in previous and forthcoming sections of this report:

- [AYRNA Research Group on Learning and Artificial Neural Networks](#) at the University of Cordoba
- The Research Group on Agent-Based, Social and Interdisciplinary Application ([Grasia](#)) at the Complutense University of Madrid;
- The academic unit working on Human Rights, diversity and new technologies ([Dertecnia](#)) and Applied AI Group ([GIAA](#)) at the University Carlos III de Madrid;
- [Department of AI](#), Polytechnic University of Madrid, Group of AI and robotics ([IAR](#)) at the International University of Rioja;
- The Bioinformatics, Intelligent Systems and Educational Technology ([BISITE](#)) Research Group at the University of Salamanca;
- The common initiative of Universities of Granada and Jaén called Andalusian Research Institute in Data Science and Computational Intelligence ([DaCSI](#)), Research, Development and Innovation in Computing Research Group ([IDINFOR](#)) at the University of Sevilla;
- Intelligent Systems and Data Mining Research Group ([SIMD](#)) at the University Castilla-La Mancha;
- Advanced Data Mining Research, Business intelligence, Bioinformatics and Big data, Learning research group ([The ADMIRABLE](#)) at the University of Burgos;
- Intelligent Technologies for Advanced Knowledge Acquisition research group ([ITAKA](#)) and Research group on AI ([Banzai](#)) at the University Rovira i Virgili;
- Volume Visualization and Artificial Intelligence research group ([WAI](#)) at the University of Barcelona;
- Computer Architecture and Logic Design Group ([ARCO](#)) at the University of Extremadura;
- Lab on Research and Development of AI ([LIDIA](#)) at the University A Coruña;

⁶ Consejo Superior de Investigaciones Científicas, 'Seis Expertos Debaten Las Implicaciones Éticas de La Inteligencia Artificial En Educación, Sanidad y Asistencia', 7 October 2019, <https://www.csic.es/es/actualidad-del-csic/seis-expertos-debaten-las-implicaciones-eticas-de-la-inteligencia-artificial-en>.

⁷ Spanish National Research Council, 'Exemplary List of Publications on AI and Social Impact', 2020, [http://digital.csic.es/simple-search?query=artificial+inteligence+ethics&location=global&order=.](http://digital.csic.es/simple-search?query=artificial+inteligence+ethics&location=global&order=)

- Singular Research Centre of Intelligent Technologies ([CITIUS](#)) at the University of Santiago de Compostela;
- AI and Knowledge Engineering Group ([AIKE](#)) at the University of Murcia;
- The Joint Research Lab ([JRC](#)) at the University of Pais Basco;
- Group of Information Technology – AI ([GRI IA](#)) at the Polytechnical University of Valencia.

Many of above mentioned universities and other research institutions also have specific graduate programs for AI, such as [Masters degree in AI](#) (online) at the International University of Valencia; [Master's in Software Engineering and AI](#) at the University of Malaga; [Master's in AI](#) at the Polytechnical University of Catalunya; and numerous others. The variety and quantity of courses show how important and requested this topic is in Spain. In addition, many undergraduate but in particular graduate programs in Spain are often attended by the students from Latin America: consequently Spain represents the educational epicenter for preparing and training future engineers and other specialists to work on AI-related applications and systems not only in Spain but also in many other countries, such as Chile, Peru, Argentina, Uruguay, Paraguay, Venezuela and others.

The Spanish Network of Supercomputation or [RES](#) (*Red Española de Supercomputación*) is a Unique Scientific and Technical Infrastructure ([ICTS](#)), whose “nets” are distributed throughout Spain and are connected to each other by an academic and research network called RedIris, which enables the exchange and circulation of enormous quantities of data between them. Right now there 12 supercomputers in Spain: Madrid, Zaragoza, two in Barcelona, Valencia, León, Santiago de Compostela, Cáceres, Málaga, La Palma and Santander.

For the purposes of this report, one institution of this infrastructure is of particular interest: Spanish Digital Innovation Hub ([AI DIH](#)) for High Performance Computing (esHPC) that works on, promotes, trains and launches different research projects on AI focusing mainly on private sector stakeholders (industry) and in particular on SMEs, but also provides with resources the public R&D institutions. In this later case, the RES provides the researchers with the possibility to apply for computing time on supercomputers and one of the conditions for these applications is to belong to the public or private research institution, although the rules also admit the possibility of joint university-business activities.⁸ As to businesses, the RES provides with the tools that enable businesses to use data in such a way as to optimize resources, create new products and services and become more competitive: RESxPyme (literally *RES for SMEs*) is a specific group within RES dedicated to this task: one of initiatives of this group is to allow the newly created spin-

⁸ RES and BSC, 'Access Protocol to the Equipment of the Barcelona Supercomputing Center and the Spanish Supercomputing Network (RES)', n.d., <https://www.res.es/sites/default/files/public/uploaded/RESAccessProtocol.pdf>.

offs to access the supercomputing infrastructure for free during the first three years after their creation.

DIHs related to AI, such as DIHs working on robotics, autonomous systems, cognitive systems or internet of things, are [47](#). For instance, Artificial Intelligence & Robotics for Sustainable Development Goals ([AIR4S](#)) is a fully operational DIH which provides AI and robotics related services to both public and private sectors. Some of their initiatives in the fields of healthcare, agronomics/food industry, climate, mobility and smart cities, industry/energy and society include (the examples were selected bearing in mind their relevance to the issues of fundamental rights):

- Healthcare:
 - [Development of tools to integrate clinical trial data](#) within [Insite platform](#), which is dedicated to trustworthy re-use of electronic healthcare records.
- Society:
 - [open data for citizen participation and transparency](#) for the city of Zaragoza;
 - [AI services for detection of potential fake news](#) for the Radio Televisión Española (national TV) and [CIVIO foundation](#).
 - [AI applied to calculate the risk of social exclusion](#) via smartphone in the Castilla y Leon region;

Judiciary

The General Council of the Judiciary ([Consejo General del Poder Judicial](#)) is an institution composed of judges and lawyers, which governs the judges and courts and works to ensure the independency of the judicial system in Spain. There are many initiatives related to the “Plan of modernization of Justice” ([Plan de la modernización de la Justicia](#)) of 2008 that aims to implement the necessary means to ensure e-justice with the help of different software programs and other technologies that would ensure interoperability within different autonomous communities and within different stakeholders of the judicial system.

AI is not yet implemented within the General Council of the Judiciary, although different regions have organized courses to introduce the topic to judges: for example, in 2018 Navarra region judges could attend a course on Informatics and Law that dealt with the topic of AI.⁹

As recently as the end of November 2019, the Ministry of Justice — represented by Manuel Jesús Dolz, the State Secretary for Justice, and Sofia Duarte, director for the modernization of Justice— have [presented three new technologies](#), developed by the Ministry itself, which also is in

⁹ Poder Judicial España, ‘G.C.J. - Training Courses Program’, 25 April 2018, <http://www.poderjudicial.es/cgpj/en/Judiciary/High-Courts-of-Justice/H CJ-Navarre/Work-of-the-HCJ-Navarre/Training-courses/Curso-sobre-informatica-y-derecho--Elgorriaga--25-y-26-de-abril-de-2018->.

charge of training and technical support to the people who are going to use these tools:

- Calculator 988 (*Calculadora 988*), which calculates the sentences in cases of sentence accumulation and selects the one that is the most favorable for the defendant.¹⁰ This tool uses the algorithm that was elaborated by the Public Prosecutor's Office of the Supreme Court (*Fiscalia del Tribunal Supremo*) within the framework of art. 988 of the Law of Criminal Procedure, art. 76 of the Criminal Code and other legal norms. Calculator 988 will enable the judicial, prosecution and penitentiary institutions to speed up their work, save resources and will increase the trust in the whole system by preventing the errors of calculation of sentence: right now this work could take even a few days whereas thanks to this tool it will take only a few seconds. The implementation of this tool within the courts and prosecutor's offices will start at the beginning of 2020.
- A system that automatically creates documents out of trial recordings: this tool helps to search, pinpoint and access the contents of what has been said during the trial. Currently it is being tested at the judicial office of Cuenca.
- Handwritten digital signature tool that collects the signatures of citizens when they appear in the administrative offices of the courts and do not have an electronic signature. Right now the document needs to be printed and signed manually, whereas thanks to this new system, the citizen will have to sign on a tablet, thus creating an electronic document which will be later on added to digital file. The courts of Segovia are already testing it and progressively it will be implemented in the regions of Castilla-La Mancha, Castilla y Leon, Extremadura, Balearic Islands, Murcia and in the autonomous cities of Ceuta and Melilla.

¹⁰ Sentence accumulation applies when a person has been sentenced for committing different crimes and different punishments apply: that is, some people commit more than one crime and in those cases there is more than one punishment to be arranged. Spain does not use the US formula when a person can be put to jail for hundreds of years because in the US sentence accumulation simply means a sum of all the imprisonment years that foresee different crimes. In Spain there is a general rule that a person cannot spend more than 20 years in prison, unless certain circumstances apply (such as terrorism). There are numerous rules how these calculations should be carried out and always bearing in mind the interests of the convicted and always interpreting the norms in the most favorable terms for him or her, i.e. calculating that a month is always 30 day long, whereas in reality only some months are 30 day long and others are 31 day long.

1.2 Public-private partnerships

1.2.1 Civil society

In recent years Spanish society has been informed continuously about the threats and possibilities of AI by newspapers and magazines (such as [Retina](#) of El Pais) and other means of mass media: almost in every debate the questions related to human rights and vulnerability of human beings in front of technological developments have been addressed.

Civil society is aware of the questions related to social, ethical and legal impact of AI: one of the examples of [We the Humans](#) think tank which aims to foster social debate on correct use and development of AI and foster ethical AI. Another institution of this kind is the Royal Institute "[Elcano](#)" a private think tank that focuses on the international studies from Spanish, European and global perspectives and in the last years has organized events and published numerous reports and policy papers on the topic of AI,¹¹ regarding AI and cybersecurity, proposal on Spanish AI Ecosystem, Geopolitics of AI Ethics, AI and power, and others.

Another of such institutions representing public interest is the Spanish Observatory of Ethics and Social Impact of AI ([ODISEIA](#)). It is a nonprofit organization whose members are persons, companies, universities and other entities interested to ensure that AI evolves in a human friendly way. It was created just 4 months ago and does not have much activities yet, but the existence of this Observatory is already a proof that there is a feeling and a necessity to fill in a gap on the topic of social acceptance of AI.

In addition [B Debate, International Center for Scientific Debate Barcelona](#), has launched in 2017 the manifesto called *Barcelona Declaration for the Proper Development and Usage of AI in Europe*.¹² It is a proposal of code of conduct for AI developers, users and practitioners. It elaborates 6 principles —Prudence, Reliability, Accountability, Responsibility, Constrained Autonomy and Human Role— and distinguishes between knowledge-based AI and data-driven AI: the combination of the two reveals the full potential of AI but certain precautions should be taken so that the success of AI would not overwhelm the humanity.

1.2.2 Relations between the public and private sector

¹¹ Real Instituto Elcano, 'Geopolítica de la ética en Inteligencia Artificial', Documento de trabajo 1/2020, 9 January 2020, <http://www.realinstitutoelcano.org/wps/wcm/connect/acc09d1e-3138-4436-b77b-ec5926ea0983/DT1-2020-Ortega-Geopolitica-de-la-etica-en-Inteligencia-Artificial.pdf?MOD=AJPERES&CACHEID=acc09d1e-3138-4436-b77b-ec5926ea0983>

¹² International Center for Scientific Debate Barcelona, 'Barcelona Declaration for the Proper Development and Usage of Artificial Intelligence in Europe', AIdeclaration, 8 March 2017, <https://www.iiia.csic.es/barcelonadeclaration/>.

There are numerous initiatives that prove how serious Spain is responding to the technological challenges of the last decades: there are very large associations that unite different private and public organizations, such as the Spanish Confederation of Scientific Societies ([Confederación de Sociedades Científicas de España – COSCE](#)) and also smaller and more focused AI associations, such as the Spanish Association for AI (*Asociación Española para la Inteligencia Artificial - AEPIA*) (more about it: [1.3.3](#)).

The government promotes collaboration between public and private sectors because technological advancement is not feasible without the support of private companies: [Hisparob](#) is a Spanish technological platform of Robotics which aims to promote Spanish leadership in robotics by developing new robotics-based products and services. Many national and international technological companies have joined this platform (and is therefore relevant for section [1.3](#)), such as [Airbus](#) (which has research facilities in Madrid), [Elmeq](#), [Asti](#), [Adele Robots](#), and also research institutions, such as the Professional School of New Technologies (La Escuela Profesional de Nuevas Tecnologías – [CICE](#)), the Polytechnical school ([EPS](#)) of University of Girona, University Rey Juan Carlos, University of Salamanca, and University of Alcalá.

Another example of strong private-public relations in the field of AI and robotics is the Spanish Committee of Automation (CEA), a non-profit organization that focuses on the development of automation and among its members are both private companies and public institutions. CEA has released in 2011 a [White Book of Robotics in Spain: Research, Technologies and Training](#).

There is wide implementation by public and private entities of the different applications of [Savana](#) program, which transforms the clinical records of the patients into Big Data that enables the physicians and other medical personnel to establish unknown correlations and links between different data, predict the evolution of illness and to make decisions: it is currently used by healthcare services of community of Madrid ([Salud Madrid](#)) and many different private and public hospitals.¹³

Mutual benefit society of Spanish lawyers ([Mutualidad Abogacía](#)) has also announced the creation of Ethics Committee for AI in the field of finance and insurance.¹⁴

¹³ These hospitals are University hospital Rey Juan Carlos, Infanta Elena, Infanta Leonor, La Princesa, Puerta del Hierro Majadahonda, Hospitals HM, Quirón Salud and many other institutions.

¹⁴ Mutualidad Abogacía, 'Mutualidad de la Abogacía presentó el Comité de Ética de la Inteligencia Artificial. Una iniciativa pionera en el sector financiero y asegurador', *Mutualidad de la Abogacía* (blog), 9 October 2019, https://www.mutualidadabogacia.com/sala_de_prensa/cronica-comite-etica-presentacion/.

1.3 International relations

1.3.1 General strategy

Spain is a party to many international treaties and has committed to the 2030 Agenda for Sustainable Development: the National Strategy on AI ([1.4](#)) highlights the importance of AI to achieve the goals of this Agenda.

1.3.2 European linkages

Spain has agreed to “Coordinated Plan on the Development and Use of AI Made in Europe – 2018” ([COM\(2018\) 795 final](#)) which includes, among other things, the objective to ensure the synergies between national strategies on AI of Member States and invites the Member States to elaborate them by 2019. Spain has adhered to this task (see National strategies and guidelines).

Spain has also signed, together with other Member States of the EU, Norway and Switzerland, [the Declaration of cooperation on AI](#) in 2018 agreeing to cooperate, among other things, to ensure “an adequate legal and ethical framework, building on EU fundamental rights and values, including privacy and protection of personal data, as well as principles such as transparency and accountability” and also to guarantee that “the humans remain at the centre of the development, deployment and decision-making of AI, prevent the harmful creation and use of AI applications, and advance public understanding of AI.”

The Spanish General Council of Judiciary also collaborates with The European Judiciary Training Network ([Red Europea de Formación Judicial-REFJ](#)), which organizes different courses and training sessions, such as the course “[Artificial intelligence and its implications for the criminal justice system](#)” (CP/2019/26, October 24-25, 2019, Rome, Italy).¹⁵

Spain is also a part of Digital Innovation Hubs initiative of the European Commission ([smart specialization platform](#)),¹⁶ and together with other member states forms part of the Pan-European network of DIHs and in particular as concerns AI and related technologies (robotics, Internet of Things and cognitive systems) Spain has 47 DIHs distributed throughout national territory.

¹⁵ European Judiciary Training Network, ‘Artificial Intelligence and Its Implications for the Criminal Justice System - CP/2019/26’, October 2019, <http://www.ejtn.eu/Catalogue/EJTN-funded-activities-2019/Artificial-intelligence-and-its-implications-for-the-criminal-justice-system---CP201926/>.

¹⁶ European Commission, ‘Smart Specialisation Platform’, 2020, <https://s3platform.jrc.ec.europa.eu/>.

Spanish companies play an important role in the EU AI and robotics sector. For example, Spanish technological research and innovation centre [Tecnalia](#), together with Danish Technological Institute (Denmark), Fraunhofer IPA (Germany), and Manufacturing Technology Centre (UK) have founded Robot Technology Transfer Network ([ROBOTT-NET](#)) that aims to support and promote European industrial robotics sector.

Another initiative which already counts more than 20 years of existence is The European Centre of Companies and Innovation (*Centro Europeo de Empresas e Innovación del Principado de Asturias* - [BIC Asturias](#)) created by a common initiative of Institute of Regional Development of Asturias, Economic Development Agency of the Principality of Asturias and the Directorate General of Regional Policies of the European Commission together with other local organizations and businesses.

Spain is also part of Ad Hoc Committee on Artificial Intelligence – CAHAI, that was set up by the Committee of Ministers of Council of Europe: this initiative is very young and Spain is still preparing the country report on national initiatives. However the first meeting was attended by representatives of Spanish Ministry of Justice, Artificial Intelligence Area of the Secretary of State for Digital Advancement, Ministry of Economy and Business, Ministry of Interior, the Cabinet of the General Secretariat for the Coordination of Scientific Policy, Ministry of Science, Innovation and Universities, and other Spanish institutions.

1.3.3 *International linkages*

Spain, as a member state of OECD, has adopted, the OECD Council Recommendation on AI. which included [OECD Principles on AI](#). These principles promote AI that respects and promotes human rights and democracy. These principles were later used to draw the AI principles adopted by G20.

There are also many non-profit organizations working to start and maintain the existing relations and collaborations on AI: one of the oldest such organizations is Spanish Association for AI (*Asociación Española para la Inteligencia Artificial* – [AEPIA](#)), which was created in 1983 to promote the research on AI in Spain and in Latin America. It is a non-profit association which has founded different other AI-oriented associations, such as Iberoamerican Society of Artificial Intelligence ([IBERAMIA](#)). AEPIA is also a member of the European Coordinating Committee for AI ([EURAI](#)) and is currently involved in a variety of initiatives, conference organization and publication activities.

There are also other initiatives that are not directly (or not only) digitalization and technology oriented, such as The Knowledge Transfer, Exchange and Management Plan for the Development of Spanish

Cooperation in Latin America and the Caribbean (*Plan de Transferencia, Intercambio y Gestión de Conocimiento para el Desarrollo de la Cooperación Española en América Latina y el Caribe – INTERCOONECTA*), supported by the Spanish Government, Ministry of Foreign Affairs which among its thematic clusters has that of innovation. The cluster of innovation is supported by expert network CEDDET on knowledge and innovation (*Red CEDDET, conocimiento y innovación*). Among its academic and training activities, INTERCOONECTA through the Spanish Agency for International Cooperation for the Development (Agencia Española de Cooperación Internacional para el Desarrollo – AECID) has organized courses on [GDPR](#) at the Educational Center of Montevideo (Uruguay), on [blockchain and its link to Real Estate Registry](#) at the Educational Center of La Antigua (Guatemala) and [electronic signature and electronic registry](#) at the Educational Center of Cartagena de Indias (Colombia).

At the same time INTERCONECTA is seriously committed to the human rights issues, such as human rights, businesses and social responsibility, gender based violence, situation of indigenous women and rights of indigenous people, support for the Inter-American Court of Human Rights, and many other related issues.¹⁷

1.4 National strategies and guidelines

The National strategy on Research, Development and Innovation (RDI) on Artificial Intelligence ([La Estrategia Española de I+D+I en Inteligencia Artificial](#)) has been issued by the Interministerial Group on AI coordinated by the Ministry of Science, Innovation and Universities ([Ministerio de Ciencia, Innovación y Universidades](#)) and guided by the Government Commission for Scientific, Technological and Innovation Policies ([Comisión Delegada por Gobierno para Política Científica, Tecnológica y de Innovación](#)) made of 11 ministers and vice Prime Minister. This strategy represents the preparatory work on the future National Strategy on AI that should be released in forthcoming months,¹⁸ and also define the Spanish Strategy on Science, Technology and Innovation (Estrategia Española de Ciencia, Tecnología e Innovación (EECTI), which will last from 2021 to 2028, but this current National

¹⁷ For a full list of activities, see: Cooperación Española Conocimiento Intercoonecta, 'Base de Conocimiento', 2020, [https://intercoonecta.aecid.es/gesti%c3%b3n-del-conocimiento/recursos-interconecta?accion=filtro&texto=derechos%20humanos&materia=&productor=&pais=®geo=®pol=#Default=%7B%22k%22%3A%22\(CustomTitle%3A%5C%22derechos%20humanos%5C%22%20OR%20FullDescription%3A%5C%22derechos%20humanos%5C%22\)%22%2C%22o%22%3A%5B%7B%22d%22%3A1%2C%22p%22%3A%22Created%22%7D%5D%7D](https://intercoonecta.aecid.es/gesti%c3%b3n-del-conocimiento/recursos-interconecta?accion=filtro&texto=derechos%20humanos&materia=&productor=&pais=®geo=®pol=#Default=%7B%22k%22%3A%22(CustomTitle%3A%5C%22derechos%20humanos%5C%22%20OR%20FullDescription%3A%5C%22derechos%20humanos%5C%22)%22%2C%22o%22%3A%5B%7B%22d%22%3A1%2C%22p%22%3A%22Created%22%7D%5D%7D).

¹⁸ Because of the temporal nature of current government and in the light of the forthcoming elections of November 10, many initiatives are pending and should be confirmed as soon as new Government will be formed.

Strategy covers the span of time until 2027. and establishes the following **six priorities**:

- Priority 1: To create an organizational structure that would enable the creation of system for R+D+I of AI and control its impact;
- Priority 2: To establish strategic areas on which the activities of R+D+I should focus;
- Priority 3: To facilitate the knowledge transfer and its return to the society;
- Priority 4: To plan training and professionalization activities within the field of AI;
- Priority 5: To develop digital data ecosystem and assess the available infrastructures;
- Priority 6: To analyze the ethics of AI from the perspective of R+D+I. As concerns this last priority, Spanish government puts a strong emphasis on fight any illegal uses of AI, such as discrimination, and attributes newly appointed Spanish Ethics Committee of Research with the task to develop, monitor and apply the necessary measures to ensure ethical use of AI.¹⁹

The National Strategy on AI also presents with seven recommendations that are in line with the goals described above:

- To launch a new National Strategy on AI that would enable the development and implementation of specific measures for national strategic sectors. The monitoring and follow up of these measures could be performed by Spanish Observatory of AI;²⁰
- To use AI to realize the objectives of Agenda 2030 of Sustainable Development;
- To design and implement specific actions that would propel knowledge transfer into socioeconomic setting;
- To start or to adapt the programmes of promotion of vocation, not limited to R+D, attraction, withholding and recovery of talents dedicated to AI;
- To use AI to guarantee the best use of open data. To create a National Data Institute that could plan and regulate the data coming from different levels of public administration;
- To detect the needs of adaptation and competence improvement of different levels of Spanish educational system;
- To watch over all the initiatives and activities deriving from strategic frameworks focusing on AI development and also over the results and their compliance with ethical, legal and social commitments of Spain and EU.

¹⁹ In addition AI should comply with ethical, legal and social aspects and should avoid discrimination. Within the description of this priority this priority also refers to AI has to be build "on the basis of decades of consensual application of fundamental rights in the EU" (p.40)The Committee was established in 2011 by specific law, see: 'Ley 14/2011, de 1 de Junio, de La Ciencia, La Tecnología y La Innovación' (2011), <https://www.boe.es/buscar/act.php?id=BOE-A-2011-9617>.

²⁰ This Observatory does not exist yet.

One of the goals of this strategy was to map all the entities that work on AI in Spain and to provide with as complete as possible picture of what is being done on AI in the national territory. This [map](#) includes four types of institutions:

- Public administration, such as [the town council of Villalbilla](#) (Madrid community), [Office of the Director General of Police](#), Information Technology Management for the Social Security ([Gerencia de Informatica de la Seguridad Social](#)), many public research institutions, such as [Institute of Cross-Disciplinary Physics and Complex Systems](#), [Public Foundation of Andalusia for the Management of Healthcare Research in Sevilla](#), [State Security Infrastructure and Equipment Office](#), [Healthcare Services of Balearic Island](#) and [Murcia Healthcare services](#), etc.;
- Businesses, such as [Kenmei Technologies SL](#), [Magtel Operaciones SLU](#), [SemanticBots](#), [IBM Spain](#), [Smart IoT Labs](#), and many others;
- Higher education institutions, such as [Aragon Institute of Technology](#), Universities of Alicante, Jaén, Granada, Cordoba, Deusto, Oviedo, Murcia and many others;
- Private non-profit organizations, such as the Centre for Applied Research in Digital Technologies ([VICOMTECH](#)), [Tecnalia](#), AIR Institute ([Fundación Instituto Internacional de Investigación en Inteligencia Artificial y Ciencias de la Computación](#)).

This map is also related to the commitment to the EU coordinated plan on AI [\(1.3.2\)](#) and is particular useful to discover the Spanish AI ecosystem and its private and public components.²¹

The Spanish Data Protection Agency (AEPD, [1.1.1. b](#)) also has issued:

1. A [technical note](#) to protect personal data in the cases when these data are processed with the help of Big Data, AI or machine learning-based techniques: in particular the technical note aims to protect personal data against the risk of re-identification, also known as k-anonymity;
2. A memo [1/2019](#) on the treatment of personal data related to political opinions and delivery of electoral propaganda through electronic means or instant messaging systems by political parties, federations, coalitions or groups of voters. This memo argues that the use of personal data by political parties coupled with modern technologies based on AI has generated debate on where the limits of personal data protection should be placed and whether the use of AI in elections could be used to manipulate people with the help of fake news or online disinformation. AI is seen in this memo as a technology that could be used to influence personal political ideology;
3. [Code of Good Practices](#) for Data Protection in projects dedicated to big data. This Code of Good Practices promotes the idea of data as a

²¹ For a complete map of research institutions in Spain, see: Mapa Instituciones Fecyt, 'Map of Research Institutions in Spain', 2020, <http://icono.mapainstituciones.fecyt.es/frontendmapas/>.

value as such and highlights the importance of data subject and his or her rights to access, rectify, suppress, oppose or exercise his or her right of portability of personal data, even in cases of big data. This code also promotes the idea that the right to personal data protection is compatible with industrial and business development as long as the human rights are taken into account.

1.5 Sample recent cases

1.5.1 *Ethyca*

[Ethyca](#) is an AI module with ethical norms integrated into it, developed by a Spanish company [Acuilae](#). The company informs that this module is the first AI technology of this kind: it is able to analyze different complex problems and choose solutions or strategies that are compatible and inspired by human ethical reasoning. According to Acuilae this AI module is incorruptible, that is, it cannot learn or be taught ethically questionable behavior. This module can be implemented into chatbots, smart speakers and other tools to be used in the fields of banking, human resources, healthcare, retail and other fields of business and commercial activities. For example, chatbots with Ethyca module can identify inappropriate content (photos, videos, speech) and does not adopt it because Ethyca module works as protection from these kinds of experiences, thus making the particular chatbot not only ethically but also legally compliant.

1.5.2 *Jidoka Robot*

In September 2019, there was an enormous public and mass media attention to the court decision²² that declared illegal a dismissal of a worker in Las Palmas de Gran Canaria because she was substituted by a chatbot. This worker worked for the Lopesan Hotel Management S. L. for 13 years since 2006, until last year the employer bought the licence of [Jidoka RPA](#) (Robotic Process Automation) system that manages payments. The court decided that automation of processes, that so far have been carried out by human workers, is not an acceptable reason to fire people because it goes against the social rights—in particular labour rights—of a person and would mean that the court agrees with the idea of reducing the right to work and increasing the freedom of enterprise. This case has caused many discussions about AI, robotics and the threat of unemployment.

1.5.3 *Race for AI*

²² Consejo General del Poder Judicial, SJSO_4141_2019 (Social Court Las Palmas de Gran Canaria 23 September 2019).

There is big interest and attention to the race and competitiveness among different countries as concerns AI. AI is seen as an enormous opportunity but at the same time there is a kind of fear not to be able to use this opportunity and let it pass. This race for AI can be observed not only on the state level but also at the institutional level: for example almost all the educational institutions are now proposing the graduate LLM programs dedicated to (some aspects of) AI and there is a competition between private and public educational institutions because private are much more flexible and introduce new (AI-oriented) programs easier and more quickly than public educational institutions.



2 Overview of laws and regulations

Sector	Title in English (unofficial translations)	Fundamental rights addressed	EU law basis	Remedies if rights violated	Description
Cross sectoral	Spanish Constitution	Right to life, right to physical and moral integrity, freedom of religion, right to freedom and security, right to due process and fair trial, right to privacy (and as concerns the IT, art. 18 (4) explicitly restricts "the use of data processing in order to guarantee the honour and personal and family privacy of citizens and the full exercise of their rights") freedom of movement, right to		Legal remedies in case of rights violations are awarded by national courts (civil, criminal, labour and administrative) and the Constitutional Court, which comes into play once appeal on grounds of unconstitutionality is presented.	Spanish Constitution is the main legal document of Spain that also has symbolic value of representing Spain's transition from authoritarian to democratic regime. It includes the list of fundamental rights, the constitutional organization of the state (Houses of Parliament, the Crown, International Treaties), judicial powers, relationship between Government and other institutions of public administration, territorial



		<p>equal marriage, equality before the law, freedom of speech and freedom of expression, freedom of press, right to participate in public affairs and access public office, right to association and assembly, right to petition, right to education, academic freedom, right to join trade union, right to university autonomy, right to strike, right to collective bargain, right (and duty) to work.</p>			<p>organization of Spain, the role of Constitutional Court and rules on the changes of Constitution.</p>
	<p>Law 3/2007 for effective equality of women and men²³ (Equal treatment legislation)</p>	<p>Right to equality of opportunity, no discrimination, women rights, right to conciliation</p>	<p>Treaty of Amsterdam (1997); Directive 2002/73/EC of the European Parliament and of the Council of</p>	<p>The businesses and institutions can be punished if they do not comply with the norms of this law as</p>	<p>This law transpose the Directives 2002/73/EC, 2004/113 and 97/80/EC. The</p>

²³ Gobierno de España, 'Ley Orgánica 3/2007, de 22 de Marzo, Para La Igualdad Efectiva de Mujeres y Hombres' (2007), <https://www.boe.es/buscar/act.php?id=BOE-A-2007-6115>.



		<p>of family, work and personal lives, rights of workers, rights of maternity and paternity</p>	<p>23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Text with EEA relevance); Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services; Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the</p>	<p>concerns equality among their workers.</p>	<p>overall aim of this law is to deal with the discrimination that women are subject to in different social contexts and achieve a real and effective equality between men and women.</p>
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			<p>safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC); Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex</p>		
	<p>Law 1/2004 on measures of Total Protection from Gender Violence²⁴ (Equal treatment legislation)</p>	<p>Fundamental freedoms and basic human rights, in particular, right to life, right to physical and moral integrity, freedom from torture and freedom from inhumane or degrading</p>	<p>Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against</p>		<p>This law cover all the preventive, social, assistance, educational and other aspects of attention to victims of gender violence.</p>

²⁴ Gobierno de España, 'Ley Orgánica 1/2004, de 28 de Diciembre, de Medidas de Protección Integral Contra La Violencia de Género' (2004), <https://www.boe.es/buscar/act.php?id=BOE-A-2004-21760>.



		behaviour, right to equality, no discrimination and right to security, right to information and legal assistance for free, rights of minors, rights of women as victims of gender violence and women rights in general	children, young people and women and to protect victims and groups at risk (the Daphne II programme)		
	Law 13/2005 which modifies the law on the right to marry ²⁵ (Equal treatment legislation)	Right to marry, right to equality, right to no discrimination			This is a modification to the civil code that includes the couples of same sex and consequently modifies the wording of other articles of the law so as to include and cover the same sex marriages.
	Law 39/2006 Promoting Personal Autonomy and Attention to the People in Situations	Rights of people in situations of dependency: equality, no discrimination, fundamental		Sanctions are in hands of autonomous regions, which decide how to punish those centers	This law introduces a national System of Attention to Dependency and how it functions within the decentralized

²⁵ Gobierno de España, 'Ley 13/2005, de 1 de Julio, Por La Que Se Modifica El Código Civil En Materia de Derecho a Contraer Matrimonio' (2005), <https://www.boe.es/buscar/doc.php?id=BOE-A-2005-11364>.



	of Dependency ²⁶ (Equal treatment legislation)	freedoms and basic human rights, right to information, right to data protection and privacy, right to personal autonomy, social rights, economic rights,		that do not comply with the quality requirements. Infringements can be mild, serious and very serious and sanctions can be the loss of financial support, fines, closure of center (for good or temporarily), fines can reach 1 000 000 euros.	organization of the State. It aims to guarantee the services both to the elderly and to the children because these two main groups of people who are in situations of dependency.
	General Data Protection Regulation and related national law on data protection and digital rights (LOPD-GDD, 3/2018)	Right to privacy and personal data protection, right to security, right to information, right to erasure, right to access, right to rectification, right to restrict processing, right to data portability, right to oppose. Another group of rights is digital	General Data Protection Regulation	Legal remedies are represented by administrative fines of three types: Up to 40 000 euros From 40 001 to 300 000 More than 300 000 Remedies are imposed by Nacional Agency of Data Protection or regional data	This law implements within the national legal framework the General Data Protection Regulation and adds protection of digital rights of Spanish citizens which are not part of General Data Protection Regulation.

²⁶ Gobierno de España, 'Ley 39/2006, de 14 de Diciembre, de Promoción de La Autonomía Personal y Atención a Las Personas En Situación de Dependencia' (2006), <https://www.boe.es/buscar/act.php?id=BOE-A-2006-21990>.



		rights of citizens such as net neutrality, right of universal access, right to digital security and right to digital education, right to digital will, right to disconnect from work, freedom of expression online		protection institutions.	
	Book 4 "On the obligations and contracts" of the Civil Code	Provisions concerning party's responsibility as concerns contractual and extra-contractual liability and negligence. It might apply in cases of breaches of data protection laws.	There is no reference to EU law	National judicial system	One of the main laws regulating general cases which are not specifically regulated by other laws.
	National Television and Radio Law 17/2006	Freedom of expression, freedom of Access and democratic participation, right to respond	The current directive is newer than this law, namely the Directive 2018/1808 concerning the provision of audiovisual media		The law regards national TV and radio services and the third parties that are involved in providing these services



			services (Audiovisual Media Services Directive) in view of changing market realities. It has not been implemented in national law at the time of writing.		
	Audiovisual Law 7/2010	Freedom of expression, media pluralism, linguistic pluralism, citizens' rights in general	Directive 2007/65/CE on the coordination of certain provisions [...] concerning the pursuit of television broadcasting activities	The State Audiovisual Authority has power to stop the transmission of audiovisual services from another country if these services are against the law (for instance, as concerns minors) but in those cases the State Audiovisual Authority has to inform the EU Commission and the Member State whose services it is stopping to stopping. There can be other limitations	This law regards private television and radio services



				for the purposes of public order, public health and national security.	
	Telecommunications Law 9/2014	Rights of users	Directives 2009/136/CE on reform of electronic communication networks and services; 2009/140/CE (related to the 2009/136/CE) European Convention on Fundamental Rights and Freedoms; Directive 2011/83/EU on consumer rights; Directive 2002/21/EC (Framework Directive)		The law aims to ensure that the objectives of EU Digital Agenda could be successfully achieved in Spain: in particular this law contributes to create a stable legal framework that could encourage investments, eliminate the obstacles that hindered development of telecommunication networks and ensure competition among market players.
	Ombudsman law: Ley organica 3/1981 del defensor del pueblo	Citizens' fundamental rights and liberties if they have been violated by the public administration (including children		The ombudsman's office investigates the complaint on certain (in)action of public administration, and, in case it establishes	The law establishes the functioning, internal structure, admissibility requirements and procedures and other details that define



		rights and also (since 2009) in charge of prevention of torture in Spain		that there has been a violation of citizens' rights, together with the public administration in question, works out a solution that would prevent those particular cases from happening again	the working of Ombudsman's office
Public Administration	Law of Transparency or Act 19/2013 on transparency access to public information and good governance	Right of citizen to access the information on public services and activities of public administration and duty of public administration to provide the information online	Council of Europe Convention on Access to Official Documents, No. 205: Spain has not yet ratified it	The violations are classified as: 1. mild: punishable with warning, 2. serious: punishable with declaration of incompliance in the Official Journal, and/or no compensation in case the person has to abandon his or her position 3. very serious: punishable with all the above mentioned sanctions.	The law aims to improve transparency of public administration and ensure the citizens' right to get the information related to its activities, services and procedures. It also establishes what kind of duties on public administration side correspond and ensure citizens' right to information. This law applies to all the public administration starting from the Royal House and



				In case violation of the norms constitutes a crime, Attorney General will have to be informed	finishing with the smallest community, agency or entity.
	Royal Decree 3/2010, of 8 January 2010, on the national scheme of security within the electronic administration framework	The rights to honor, personal and family privacy, right to image and other requirements related to personal data which will be taken into account when the public administration will register the activities of the users for the purposes of investigation, analysis or monitoring of inappropriate or unauthorized activities	Commision Decision of 29 November 2001 amending its internal Rules of Procedure, (2001/844/EC, ECSC, Euratom); Council Decision of 18 June 2007 amending Decision 2001/264/EC adopting the Council's security regulations (2007/438/EC)	Not specifically General rules apply: if an entity does not agree with the fine, it can present a claim to the administrative body responsible for the fine. Different phases of such procedure exist. Only once the given procedure is completely done, an entity can go to the respective administrative courts	This decree establishes main principles and basic requirements that ensure the electronic safety of information and services that are provided by the public administration.
	Law 39/2015, on Common Administrative	Citizens' rights in dealing with public administration, including the rights of minors. These	1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on	Citizens can present claims directly to the public administration that, according to citizen,	This is a law that regulates the relations between public administration and citizens. This law



	<p>Procedure for Public Administration²⁷</p>	<p>rights include but are not limited to right to communicate to public administration electronically, be assisted in electronic communication with public administration, use official languages (different from Spanish) in communicating with public administration of a specific autonomic region, access to public information, ask for accountability of public administrations, and other rights.</p>	<p>electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC 2. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)</p>	<p>has violated his or her rights. There is a specific part of this law dedicated to the procedure of remedies. As noted above, for such remedies, general rules apply: if an entity does not agree with the fine, it can present a claim to the administrative body responsible for the fine. Different phases of such procedure exist. Only once the given procedure is completely done, an entity can go to the respective administrative courts</p>	<p>is law regulating digital transformation of the Spanish public administration and focuses to ensure a fluent digitalization of the interactions between the public administrations and the citizens.</p>
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²⁷ Gobierno de España, 'Ley 39/2015, de 1 de Octubre, Del Procedimiento Administrativo Común de Las Administraciones Públicas' (2015), <https://www.boe.es/buscar/act.php?id=BOE-A-2015-10565>.

	Law 40/2015 on Legal Regime of Public Sector ²⁸	Citizens' rights in general, with reference to equality, individual and collective rights, right to remedy for inaction or illegal action by public administration, right to security, personal data protection and digital rights, rights of the disabled people, rights of non Spanish citizens	Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)	Citizens can present claims directly to the public administration that, according to citizen, has violated his or her rights. There is a specific part of this law dedicated to the procedure of remedies. Specifically, administration applies in the first place and only afterwards can a citizen and/or entity go before administrative courts	This law is dedicated to regulate the relationship between different public administrations. It was enacted almost at the same time with the law 39/2015 between they both represent the novelties and reforms within the public sector.
Law Enforcement	Law on Security Institutions and Forces ²⁹	Fundamental rights established in the Spanish Constitution, such as Title 1, which specifically refers	CoE Resolution 690 of Parliamentary Assembly 1979 "Declaration on the Police". In case of violations, general		This law establishes main principles of activities of law enforcement institutions, establishes different

²⁸ Gobierno de España, 'Ley 40/2015, de 1 de Octubre, de Régimen Jurídico Del Sector Público' (2015), <https://www.boe.es/buscar/act.php?id=BOE-A-2015-10566&p=20151002&tn=2>; All laws related to digitalization of the public sector in Spain are available online, see: Gobierno de España, 'Código de Administración Electrónica', 2020, https://www.boe.es/legislacion/codigos/codigo.php?id=029_Codigo_de_Administracion_Electronica.

²⁹ Gobierno de España, 'Ley Orgánica 2/1986, de 13 de Marzo, de Fuerzas y Cuerpos de Seguridad' (1986), <https://www.boe.es/buscar/act.php?id=BOE-A-1986-6859>.



		to fundamental rights, such as right to life, freedom of thought, etc.. The law also refers to “personal and professional rights” of professionals working in this sector and also their right to strike (as established by the Spanish Constitution).	rules apply: if an entity does not agree with the fine, it can present a claim to the administrative body responsible for the fine. Different phases of such procedure exist. Only once the given procedure is completely done, an entity can go to the respective administrative courts.		law enforcement institutions (national police, Civil Guard, <i>Mossos de Esquadra</i> , criminal police (<i>policia judicial</i>); etc.) in different regions and how national police interact with regional police.
	Law on National Security ³⁰	Human rights in general: explicit reference is made to justice, wellbeing, freedom. The law also refers to “fundamental rights and public freedoms of citizens”	Directly this law does not make any reference to EU law. This law establishes how powers on the issues of national security are distributed among different public institutions. It establishes the national security system, how the		This law establishes a general framework for national security and explains its organization, that is which institutions are competent to decide on national security matters.

³⁰ Gobierno de España, ‘Ley 36/2015, de 28 de septiembre, de Seguridad Nacional’ (2015).



			<p>crisis should be managed, how the autonomous regions interact with central government in dealing with nacional security matters, participation of citizens and private sector, which institutions are in charge of national security problems and how the resources should be distributed if the threat to nacional security should arise.</p>		
	<p>Law on National Defences³¹</p>	<p>Human rights generally and fundamental rights of military professionals, explicit reference is made to the right and duty of citizens to defend Spain.</p>	<p>Directly this law does not make any reference to EU law This law refers to the national defence through the lens of military organization of the state. It also establishes how the powers are distributed among</p>		<p>It is a general law on military organization of Spain: it establishes the internal organization of military forces.</p>

³¹ Gobierno de España, 'Ley Orgánica 5/2005, de 17 de noviembre, de la Defensa Nacional' (2005).



			<p>the most important actors of the State (Government, King, Ministry of Defence, etc.) . It specifically refers to the military organization: air forces, ground forces, and the Navy; also to the military jurisdiction, missions of the armed forces and their parliamentary control, rules of soldiers' behavior, and the roles that other public bodies play within the framework of national defence: civil guard, police, and intelligence.</p>		
	<p>Law on state of alarm, exceptional circumstances and state of siege³²</p>	<p>Rights and freedoms of citizens, guarantees of prisoners (right to be informed why</p>	<p>Directly this law does not make any reference to EU law</p>	<p>There is a general rule that people who will not obey public authorities during the state of alarm, will be processed by</p>	<p>The law concerns the organization of public institutions and their functioning in such particular situations, as alarm, exceptional</p>

³² Gobierno de España, 'Ley Orgánica 4/1981, de 1 de Junio, de Los Estados de Alarma, Excepción y Sitio' (1981), <https://www.boe.es/buscar/act.php?id=BOE-A-1981-12774>.



		he or she is arrested, what rights they have, assistance of lawyer, etc.); right to remedy		the law whereas if these people are public officers, they will be suspended immediately and will be fined administratively. In such a case, general rules apply;; if an entity does not agree with the fine, it can present a claim to the administrative body responsible for the fine. Different phases of such procedure exist. Only once the given procedure is completely done, an entity can go to the respective administrative courts.	circumstances and siege. There are rules that apply in all three cases and there are specific rules that apply to each of them.
	Law on protection of citizen security ³³	Constitutional rights, as established in Spanish	Directly this law does not make any reference to EU law.	Legal remedies are either administrative or criminal. The infringements are	The law establishes the organization of institutions that are responsible and have

³³ Gobierno de España, 'Ley Orgánica 4/2015, de 30 de Marzo, de Protección de La Seguridad Ciudadana' (2015), <https://www.boe.es/buscar/doc.php?id=BOE-A-2015-3442>.



		<p>Constitution and legal system, both individual and collective. It also specifically refers to the rights of the owner of the National ID.</p>		<p>mild, serious and very serious, and, differently from the laws that we have seen so far in this table, the infringements can have degrees: for instance very serious infringement of medium degree (<i>infracción muy grave de grado medio</i>). The law also specifies competencies of institutions to sanction different kinds of infringements. The fines range from 100 to 600 000 euros and further sanctions could apply, such as temporal suspension of licences, closing down, etc. The law also establishes Central Registry of Infringements</p>	<p>to act in case the danger for citizens emerge. It also establishes what kinds of powers each of the institutions have and in particular gives a lot of attention to infringements and sanctions for these infringements.</p>
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				<p>Against Citizens' Security.</p> <p>If an entity and/or citizen wishes to contest the given measures, general rules apply: a claim can be presented to the administrative body responsible for the fine. Different phases of such procedure exist. Only once the given procedure is completely done, an entity can go to the respective administrative courts.</p>	
	<p>Royal Decree 769/1987 on Judicial Police³⁴</p>	<p>No reference to human rights</p>	<p>Directly this law does not make any reference to EU law</p>	<p>Judge or Court can sanction the judicial police officers (besides other institutions, that sanction these officers in circumstances foreseen by other</p>	<p>This law is dedicated to specific police section, that is judicial police that carries out the criminal investigation. The law focuses in explaining the links between this</p>

³⁴ Gobierno de España, 'Real Decreto 769/1987, de 19 de Junio, Sobre Regulación de La Policía Judicial' (1987), <https://www.boe.es/buscar/act.php?id=BOE-A-1987-14578>.



				laws). Disciplinary measures are foreseen in those cases when the judicial police officers if they reveal information about the outgoing investigations.	police, Courts, Judges and Public Prosecution Office.
	Law regulating rights and obligations of members of Spanish Civil Guard ³⁵	Fundamental rights of citizens and fundamental rights and professional rights and duties (called rights-duties or <i>derechos-deberes</i>) of members of Spanish Civil Guard, such as right to choose a place to live and freedom of movement which in case of these professionals, could be limited. Right to association of	Directly this law does not make any reference to EU law		This law regulates a specific body of law enforcement, that is Civil Guard (<i>Guardia Civil</i>). It describes in detail the rights and duties of its members: in particular this law introduces the right to association of the members of Civil Guard and establishes the rights of such association.

³⁵ Gobierno de España, 'Ley Orgánica 11/2007, de 22 de Octubre, Reguladora de Los Derechos y Deberes de Los Miembros de La Guardia Civil' (2007), <https://www.boe.es/buscar/act.php?id=BOE-A-2007-18391>.



		these professionals (and the rights of such associations), freedom from discrimination and right to equality within the Civil Guard, personal data protection and freedom of expression and information, right to vote, right to join trade unions and right to strike.			
Health services	Royal Decree 1718/2010 on medical prescriptions and order of distribution ³⁶	Right to health and other rights of patients, such as data protection of clinical records. Freedom of conscience of pharmacist: the right not to sell certain drugs because of ethical reasons.	Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare; Directive 2001/83/EC OF on the Community code relating to medicinal	Legal remedies are sanctions to the perpetrators awarded by civil, criminal, administrative or other courts. General rule is that what is not regulated by this law, is regulated by the aforementioned Law 39/2015, on Common	This law regards the medical prescriptions in general and, among other things, how the patients can access the medicines through electronic means (electronic prescriptions). It also regards distribution rules, formats and data of medical prescriptions, rules of electronic

³⁶ Gobierno de España, 'Real Decreto 1718/2010, de 17 de diciembre, sobre receta médica y órdenes de dispensación' (2010).



			<p>products for human use; Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency;</p>	<p>Administrative Procedure for Public Administration. The law makes reference to the law 29/2006 (see below).</p>	<p>prescriptions, identification of the pharmacist, patient and further details explaining how the prescription system works in Spain. It also explains how patient data should be protected.</p>
	<p>Law 29/2006 on guarantees and rational use of medicines and sanitary products</p>	<p>Fundamental rights and specific reference is made to personal autonomy of a patient and rights and duties as concerns information and clinical documentation, safety and security and wellbeing (in particular as concerns people</p>	<p>Directive 2004/27/EC amending Directive 2001/83/EC on the Community code relating to medicinal products for human use; Directive 2004/28/EC amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products;</p>	<p>There is a classification of offences as concerns medicines: mild, serious and very serious. Similar classification exists for offences regarding medical products, offences regarding cosmetics and personal care products. Legal remedies are administrative fines, whereto general</p>	<p>This law regards the medicines for human use, their production, storage, commercialization, quality control, distribution, circulation, import and export and other aspects related to their life cycle.</p>



		participating in clinical trials)	Directive 2001/83/EC OF on the Community code relating to medicinal products for human use; [some of the references are out of date and inaccessible online]	rules apply:if an entity and/or individual does not agree with the fine, it can present a claim to the administrative body responsible for the fine. Different phases of such procedure exist. Only once the given procedure is completely done, an entity can go to the respective administrative courts.	
	Royal Decree-Law 9/2011 on the measures to improve the quality and cohesion of national medical system ³⁷	No direct reference to human rights	Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare; Regulation (EC) No		This law introduced the technological novelties into the national healthcare system, such as electronic health records and electronic prescriptions.

³⁷ Gobierno de España, 'Real Decreto-Ley 9/2011, de 19 de Agosto, de Medidas Para La Mejora de La Calidad y Cohesión Del Sistema Nacional de Salud, de Contribución a La Consolidación Fiscal, y de Elevación Del Importe Máximo de Los Avales Del Estado Para 2011' (2011), <https://www.boe.es/buscar/act.php?id=BOE-A-2011-14021&p=20131030&tn=2>.



			<p>883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems and in Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.</p>		<p>The law also established a rational use of pharmaceutical products, their price policy, and some tax rules related to healthcare system.</p>
	<p>Royal Decree 1093/2010 on minimal amount of data necessary for clinical records of the National Health System³⁸</p>	<p>Personal autonomy of a patient and rights and duties as concerns information and clinical documentation</p>		<p>Legal remedies are represented by administrative fines of three types: Up to 40 000 euros (mild) From 40 001 to 300 000 (serious) More than 300 000 (very serious)</p>	<p>This decree established the formal requirements as concerns clinical records: for example, it established what kind of data are legal to ask patients to provide and the physicians to insert when the patient is</p>

³⁸ Gobierno de España, 'Real Decreto 1093/2010, de 3 de Septiembre, Por El Que Se Aprueba El Conjunto Mínimo de Datos de Los Informes Clínicos En El Sistema Nacional de Salud' (2010), <https://www.boe.es/buscar/doc.php?id=BOE-A-2010-14199>.



				Remedies are imposed by Nacional Agency of Data Protection or regional data protection institutions.	treated at Emergencies, enter hospitals, during primary healthcare, laboratory tests.
	Law 16/2003 on cohesion and quality of National Healthcare System ³⁹	Human rights, in particular right to healthcare and specific rights as concerns National Healthcare System, such as a right to second opinion, to get healthcare services in one's region of residence, and receive the medical services in another region as if he or she was resident of that region. The law also refers to patient's autonomy and his or her right	There are general references to EU law, but not to specific legislation.		This law concerns public healthcare institutions and in particular focuses on their coordination and cooperation. It establishes the catalogue of services provided by the National Healthcare System, by regions and introduced regulations on specific public health services such as primary care, pharmaceutical services, emergencies, etc.

³⁹ Gobierno de España, 'Ley 16/2003, de 28 de Mayo, de Cohesión y Calidad Del Sistema Nacional de Salud' (2003), <https://www.boe.es/buscar/act.php?id=BOE-A-2003-10715>.



		to information and clinical documentation.			
	General Healthcare Law ⁴⁰	Respect to personality, human dignity, intimacy, equality, right to be informed about the healthcare services, right to confidentiality and data protection (in particular as concerns data related to person's health), right to healthcare in general	General reference to the EU directives on pharmaceutical products	There is a general framework of administrative sanctions for infringements related to healthcare, which does not exclude civil or criminal law measures. The infringements are classified as mild, serious and very serious. The fines can reach 600 000 euros and additional sanctions can apply, such as temporal shutting down of the establishment or service for maximum 5 years. In the case of legal remedies against such sanctions, general rules apply: if an entity and/or	The law regulates all the activities that contribute in bringing into being the right to health that is recognized by the Spanish Constitution (art. 43): it regulates the general principles of national healthcare system, the duties of public healthcare institutions nationally and regionally, a focus is also on mental healthcare, healthcare of employees, and the monitoring of health situation in Spain. Law also refers to financing of healthcare section, healthcare professionals, and also private healthcare sector.

⁴⁰ Gobierno de España, 'Ley 14/1986, de 25 de Abril, General de Sanidad' (1986), <https://www.boe.es/buscar/act.php?id=BOE-A-1986-10499>.



				individual does not agree with the fine, it can present a claim to the administrative body responsible for the fine. Different phases of such procedure exist. Only once the given procedure is completely done, an entity can go to the respective administrative courts.	Additionally it also regulates the pharmaceutical products.
	Public Healthcare Law ⁴¹	Right to healthcare and right to the information on public healthcare related questions, right to participate (individually or through associations that represent them) in actions related to public healthcare, right to personal data protection,	General reference to EU laws on healthcare	Sanctions are administrative and can be either national or regional. The infringements are classified as mild, serious and very serious. The fines can reach 600 000 euros, and additional sanctions can apply, such as temporal shutting down of the	The aim of this law is to ensure the healthcare to people and consequently increase the wellbeing of the Spanish society. So as to achieve this goal the national healthcare system has to coordinate its actions, and prevent and promote healthcare. The law

⁴¹ Gobierno de España, 'Ley 33/2011, de 4 de Octubre, General de Salud Pública' (2011), <https://www.boe.es/buscar/act.php?id=BOE-A-2011-15623>.



		intimacy, and dignity. IP right protection is also guaranteed.		establishment or service for maximum 5 years. In case of violations, general rules apply: if an entity does not agree with the fine, it can present a claim to the administrative body responsible for the fine. Different phases of such procedure exist. Only once the given procedure is completely done, an entity can go to the respective administrative courts.	addresses the duties of public healthcare administration, citizens' rights and generally promotes the actions that increase the public trust in national healthcare system.
	Law on Special Measures in Public Healthcare ⁴²	No reference is made to human rights		The law itself does not provide any information, but general rule apply: if an individual and/or entity does not agree with the fine, a claim can be	The law regulates special measures that need to be adapted urgently in specific circumstances of danger to public health. These measures include

⁴² Gobierno de España, 'Ley Orgánica 3/1986, de 14 de Abril, de Medidas Especiales En Materia de Salud Pública' (1986), <https://www.boe.es/buscar/act.php?id=BOE-A-1986-10498>.



				presented to the administrative body responsible for the fine. There exist different phases of such a procedure. Only once the procedure in question is completely done, an entity and/or individual can go to administrative courts.	check ups, treatment, hospitalization, monitoring, take other preventive measures in cases of transmissible diseases.
	Law on Transplantation of organs ⁴³	No reference is made to human rights			The law establishes general rules on organ transplantation.
	Law on sexual and reproductive health and abortion ⁴⁴	Fundamental rights in general, but the law specifies also right to human dignity, personal development, intimacy, moral and physical integrity, privacy.	European Parliament resolution on sexual and reproductive health and rights (2001/2128 (INI)); Parliamentary Assembly Resolution "Access to safe and		The law establishes the right to abortion and establishes the protection of women rights to sexual and reproductive healthcare. That means that there are also duties on the

⁴³ Gobierno de España, 'Ley 30/1979, de 27 de Octubre, Sobre Extracción y Trasplante de Órganos' (1979), <https://www.boe.es/buscar/act.php?id=BOE-A-1979-26445>.

⁴⁴ Gobierno de España, 'Ley Orgánica 2/2010, de 3 de Marzo, de Salud Sexual y Reproductiva y de La Interrupción Voluntaria Del Embarazo' (2010), <https://www.boe.es/buscar/act.php?id=BOE-A-2010-3514>.



		<p>The also specifically refers to women rights to sexual and reproductive healthcare protection, right to freely decide on her sexuality, right to have control over her sexuality, freedom from discrimination, pressure and violence. Rights of disabled people. Right to life. Right to freely chosen maternity: right to abortion and right to access medical facilities to have it. Right to conscientious objection of medical professional. Right to personal data protection and confidentiality.</p>	<p>legal abortion in Europe”, RES 1607</p>		<p>side of public healthcare institutions to ensure the accessibility of the services related to women freedom to make her own choices as concerns her sexuality or reproductive capacity.</p>
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	<p>Law on athletes' healthcare and fight against doping⁴⁵</p>	<p>Fundamental rights, dignity of athletes and other people involved in sports. Specific rights of athletes as concerns the fight against doping, including rights to privacy, confidentiality and data protection.</p>		<p>The biggest part of the law is dedicated to sanctions and infringements not only by athletes themselves but by the people who work with and for them. The infringements can be either serious or very serious. The sanctions are suspension of license and fines up to 40 000 euros. Different fines apply in cases of sport clubs and other institutions: in these cases the fines can reach 400 000 euros and involve additional punishment as decline in category</p>	<p>The law is dedicated to fight doping and related practices. The law was updated in 2017 to make it coherent with the World Anti-Doping Code (2015)⁴⁶</p>
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⁴⁵ Gobierno de España, 'Ley Orgánica 3/2013, de 20 de Junio, de Protección de La Salud Del Deportista y Lucha Contra El Dopaje En La Actividad Deportiva' (2013), <https://www.boe.es/buscar/act.php?id=BOE-A-2013-6732>.

⁴⁶ Gobierno de España, 'Real Decreto-Ley 3/2017, de 17 de Febrero, Por El Que Se Modifica La Ley Orgánica 3/2013, de 20 de Junio, de Protección de La Salud Del Deportista y Lucha Contra El Dopaje En La Actividad Deportiva, y Se Adapta a Las Modificaciones Introducidas Por El Código Mundial Antidopaje de 2015' (2017), https://www.boe.es/diario_boe/txt.php?id=BOE-A-2017-1674; The code is available, see: World Anti-Doping Agency, 'The Code', World Anti-Doping Agency, 14 November 2013, <https://www.wada-ama.org/en/what-we-do/the-code>.



				(i.e. football) of the club or prohibition to exercise within the sport industry for several years. For legal remedies against such sanctions, general rules apply: if an entity does not agree with the fine, it can present a claim to the administrative body responsible for the fine. Different phases of such procedure exist. Only once the given procedure is completely done, an entity can go to the respective administrative courts	
	Royal Decree on national registry of previous instructions and its automated filing	Right to privacy and personal data protection, in particular, rights and liberties as concerns patient's		Legal remedies are represented by administrative fines of three types: Up to 40 000 euros (mild)	This law created a Registry of previous instructions (<i>Instrucciones previas</i>) as concerns the wills of adult



	system of personal data ⁴⁷	autonomy and patients' right to information and clinical documentation		From 40 001 to 300 000 (serious) More than 300 000 (very serious) Remedies are imposed by Nacional Agency of Data Protection or regional data protection institutions.	people as concerns the situations in which they might not be able to express their will in relation to medical treatment, use of their bodies and organs after their death and related issues.
	Royal Decree 1716/2011 on basic rules for biobanks ⁴⁸	Rights to intimacy and informative self-determination, rights to privacy and data protection, rights to artistic, scientific and technological production and creation.	Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market		The law regulates the use of biological samples for scientific and research purposes and ensures the rights of people whose biological samples are used for these purposes by establishing biobanks where these samples are stored.

⁴⁷ Gobierno de España, 'Real Decreto 124/2007, de 2 de Febrero, Por El Que Se Regula El Registro Nacional de Instrucciones Previas y El Correspondiente Fichero Automatizado de Datos de Carácter Personal' (2007), <https://www.boe.es/buscar/act.php?id=BOE-A-2007-3160>.

⁴⁸ Gobierno de España, 'Real Decreto 1716/2011, de 18 de Noviembre, Por El Que Se Establecen Los Requisitos Básicos de Autorización y Funcionamiento de Los Biobancos Con Fines de Investigación Biomédica y Del Tratamiento de Las Muestras Biológicas de Origen Humano, y Se Regula El Funcionamiento y Organización Del Registro Nacional de Biobancos Para Investigación Biomédica' (2011), <https://www.boe.es/buscar/act.php?id=BOE-A-2011-18919>.



	<p>Royal Decree on human tissues and cells⁴⁹</p>	<p>Reference is made to individual rights, with specific reference to rights to information and clinical documentation of patients, right to confidentiality, and also a right to healthcare</p>	<p>Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells; Commission Directive 2006/17/EC of 8 February 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards certain technical requirements for the donation, procurement and</p>	<p>Sanctions are competence of the institutions of autonomous regions: the plans of inspections that these institutions are in charge of carrying out is approved by the Interterritorial Council of National Healthcare System. The infringements are not addressed more in detail, nor the fines specified. Thus, for legal action against sanctions, general rules apply: if an entity does not agree with the fine, it can present a claim to the administrative body responsible for the fine. Different</p>	<p>This law regulates the use of human biological tissues and samples and also the products that derive thereof: it addresses collecting, storage, use, distribution, import and export and other activities related to these tissues and samples. It also addresses professional responsibility of people working with this material.</p>
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⁴⁹ Gobierno de España, 'Real Decreto-Ley 9/2014, de 4 de Julio, Por El Que Se Establecen Las Normas de Calidad y Seguridad Para La Donación, La Obtención, La Evaluación, El Procesamiento, La Preservación, El Almacenamiento y La Distribución de Células y Tejidos Humanos y Se Aprueban Las Normas de Coordinación y Funcionamiento Para Su Uso En Humanos' (2014), <https://www.boe.es/buscar/act.php?id=BOE-A-2014-7065>.



			<p>testing of human tissues and cells (Text with EEA relevance); Commission Directive 2006/86/EC of 24 October 2006 implementing Directive 2004/23/EC of the European Parliament and of the Council as regards traceability requirements, notification of serious adverse reactions and events and certain technical requirements for the coding, processing, preservation, storage and distribution of human tissues and cells (Text with EEA relevance)</p>	<p>phases of such procedure exist. Only once the given procedure is completely done, an entity can go to the respective administrative courts</p>	
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	Royal Decree on personal medical card ⁵⁰	Right to healthcare, right to information and clinical documentation, right to confidentiality	General reference to EU law that the personal medical card has to comply with it.	The law does not specify any remedies	The law regulates the personal medical card, its data, validity and other aspects.
	Royal Decree on portfolio of healthcare services of National Healthcare System ⁵¹	Right to healthcare and right to health, right to informed consent, to autonomy and other rights of patient, including right to information and clinical documentation	General reference to EU law and Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare		The law established what medical services are guaranteed by the National Healthcare System, including primary care, specialized care, emergency care, pharmaceutical, ortho-prosthetic provisions, dietary products and healthcare transportation.
	Royal Decree-Law 7/2018 on the universal access to	Right to healthcare and to health protection	General reference to EU law		The law guarantees universality of the right to healthcare for all people who are

⁵⁰ Gobierno de España, 'Real Decreto 183/2004, de 30 de Enero, Por El Que Se Regula La Tarjeta Sanitaria Individual' (2004), <https://www.boe.es/buscar/act.php?id=BOE-A-2004-2591>.

⁵¹ Gobierno de España, 'Real Decreto 1030/2006, de 15 de Septiembre, Por El Que Se Establece La Cartera de Servicios Comunes Del Sistema Nacional de Salud y El Procedimiento Para Su Actualización' (2006), <https://www.boe.es/buscar/act.php?id=BOE-A-2006-16212>.



	National Healthcare System ⁵²				citizens of Spain and non-citizens
	Law on patient's autonomy and rights and obligations as concerns medical information and documentation ⁵³	Human rights, human dignity generally, but also and in particular rights related to biomedicine, rights of patients, in particular those related to rights of information and clinical documentation, informed consent, confidentiality, patient's autonomy, privacy and data protection, rights and liberties of EU citizens, rights and duties of health professionals, citizens and healthcare institutions	CoE Oviedo Convention (1997), there are other references to the data protection and patients' privacy laws that as for today have been substituted by GDPR.	The law refers to General Healthcare Law as concerns the sanctions (see above)	The law established the contents of patient's right to information and to clinical documentation, how the respect to patient's autonomy is exercised, how his or her clinical records should be treated and related details.

⁵² Gobierno de España, 'Real Decreto-Ley 7/2018, de 27 de Julio, Sobre El Acceso Universal al Sistema Nacional de Salud' (2018), <https://www.boe.es/buscar/act.php?id=BOE-A-2018-10752>.

⁵³ Gobierno de España, 'Ley 41/2002, de 14 de Noviembre, Básica Reguladora de La Autonomía Del Paciente y de Derechos y Obligaciones En Materia de Información y Documentación Clínica' (2002), <https://www.boe.es/buscar/act.php?id=BOE-A-2002-22188>.



<p>Financial Services</p>	<p>Spanish National Bank Notice 2/2019 on the requirements of the Informative Documents of Commissions and State of Commissions, of the webpages of price comparison of bank accounts, that modifies the Notice 5/2012, de 27 for credit institutions and Payment service providers on the transparency of bank services and responsibility for credit granting⁵⁴</p>		<p>Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features Text with EEA relevance; Commission Implementing Regulation (EU) 2018/33 of 28 September 2017 laying down implementing technical standards with regard to the standardised presentation format of the statement of fees and its common symbol according to</p>	<p>No information available in this document</p>	<p>This notice aims to improve the transparency of banking services and also bank responsibility for granting mortgages. The notice also includes unification of terminology, creation of websites that permit to compare the prices of bank accounts, and also refers to a common procedure by which a person could transfer his or her bank account from one bank to another.</p>
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⁵⁴ Gobierno de España, 'Circular 2/2019, de 29 de marzo, del Banco de España, sobre los requisitos del Documento Informativo de las Comisiones y del Estado de Comisiones, y los sitios web de comparación de cuentas de pago, y que modifica la Circular 5/2012, de 27 de junio, a entidades de crédito y proveedores de servicios de pago, sobre transparencia de los servicios bancarios y responsabilidad en la concesión de préstamos' (2019).



			Directive 2014/92/EU of the European Parliament and of the Council (Text with EEA relevance.)		
	Royal Decree 164/2019 establishing free bank accounts for vulnerable social groups or groups that risk financial exclusion ⁵⁵	Right to have a basic bank account for vulnerable social groups and people that risk financial exclusion	Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR); Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment	If an individual does not receive such a card, the following procedure applies: a claim can be made before the bank itself. However, the person in question can also refer to the consumer protection associations and/or go before the Bank of Spain. The problem is that the decisions of the Bank of Spain are not mandatory for the banks, although they usually follow the Bank of Spain's decisions. Finally, relevant courts are also an option.	This decree established the right of some social groups to have a basic bank account for free: the decree establishes who could access such bank accounts and under what circumstances.

⁵⁵ Gobierno de España, 'Real Decreto 164/2019, de 22 de Marzo, Por El Que Se Establece Un Régimen Gratuito de Cuentas de Pago Básicas En Beneficio de Personas En Situación de Vulnerabilidad o Con Riesgo de Exclusión Financiera' (2019), https://www.boe.es/diario_boe/txt.php?id=BOE-A-2019-4906.



			account switching and access to payment accounts with basic features Text with EEA relevance;		
	Royal Decree 309/2019 which partially develops the law 5/2019 that regulates real estate contracts and adopts other measures on financial matters ⁵⁶	Rights of consumers (consumer protection is included in the Spanish Constitution)	Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 Text with EEA relevance; Directive (EU) 2017/2399 of the European Parliament and of the Council of 12 December 2017 amending Directive	Although there is no relevant information in the law itself regarding relevant legal remedies, it is logical to assume that in such a situation a claim can be made before the bank itself. However, the person making the claim can also refer to the consumer protection associations and/or go before the Bank of Spain. The problem is that the decisions of the Bank of Spain are not mandatory for the banks, although they usually follow	The law regards the contracts of real estate mortgage as one of the key elements of social stability, cohesion and wellbeing of citizens. Such elements also require transparency of credit institutions and urges for action on the State's side to ensure both, this transparency and stable legal framework on the topic. In particular, as there is big information asymmetry between the banks and customers, the law is

⁵⁶ Gobierno de España, 'Real Decreto 309/2019, de 26 de Abril, Por El Que Se Desarrolla Parcialmente La Ley 5/2019, de 15 de Marzo, Reguladora de Los Contratos de Crédito Inmobiliario y Se Adoptan Otras Medidas En Materia Financiera' (2019), https://www.boe.es/diario_boe/txt.php?id=BOE-A-2019-6299.



			<p>2014/59/EU as regards the ranking of unsecured debt instruments in insolvency hierarchy; Commission Delegated Regulation (EU) No 1125/2014 supplementing Directive 2014/17/EU of the European Parliament and of the Council with regard to regulatory technical standards on the minimum monetary amount of the professional indemnity insurance or comparable guarantee to be held by credit intermediaries; Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the</p>	<p>the Bank of Spain's decisions. Finally, relevant courts are also an option.</p>	<p>necessary to lessen it and ensure that people understand their mortgage fees and costs.</p>
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			protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) and general reference to EU law		
	Royal Decree-Law 19/2018 on payment services and other urgent measures in financial sector ⁵⁷	General reference to rights of citizens established in the Constitution of Spain, specific reference is made to equality and non-discrimination, with the reference to Charter of Fundamental Rights of the EU; consumer rights	Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (Text	The law established the Bank of Spain as a body that has to make sure that the norms are being complied with by the financial and credit institutions. The law also foresees that public administration could also violate these norms and Bank of Spain is entitled to act against any such actions. The	This law introduced within the national legal framework the Directive 2015/2366 and regards the payment services, in particular how the right to provide these services is granted to financial and credit institutions, protection of consumers and SMEs, contractual issues, transparency, sanctions for

⁵⁷ Gobierno de España, 'Real Decreto-Ley 19/2018, de 23 de Noviembre, de Servicios de Pago y Otras Medidas Urgentes En Materia Financiera' (2018), <https://www.boe.es/buscar/doc.php?id=BOE-A-2018-16036>.



			<p>with EEA relevance); Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC Text with EEA relevance; Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs) (Text with EEA relevance);</p>	<p>infringements can be mild, serious and very serious. The fines can reach 10 000 000 euros. When it comes to relevant legal remedies if an individual his/her rights under the given law have been violated, the following procedure applies: a claim can be made before the bank itself. However, the person in question can also refer to the consumer protection associations and/or go before the Bank of Spain. The problem is that the decisions of the Bank of Spain are not mandatory for the banks, although they usually follow the Bank of Spain's decisions. Finally,</p>	<p>infringements and other details.</p>
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			<p>Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (Text with EEA relevance); Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (Text with</p>	<p>relevant administrative and civil courts are also an option.</p>	
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			<p>EEA relevance); Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 Text with EEA relevance; Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC Text with EEA relevance</p>		
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	<p>Royal Decree-Law 19/2017 on basic bank accounts, their transfer and comparison of their fees⁵⁸</p>	<p>Right to access to a basic bank account, right to transparency and right to information</p>	<p>Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features Text with EEA relevance; Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (Text with EEA relevance); Directive</p>	<p>Bank of Spain is the national authority that can sanction the infringements foreseen in this law. Any infringement of this law is considered to be a very serious infringement, unless it was accidental and isolated: in such a case, the infringement could be requalified to a serious infringement.</p>	<p>This law incorporates the Directive 2014/92/EU within the national legal framework. This law refers only to the basic bank accounts and permits the comparison of prices and fees of bank accounts, regardless whether these bank accounts are considered to be basic or not. The law applies to consumers and not to professionals or legal persons.</p>
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⁵⁸ Gobierno de España, 'Real Decreto-Ley 19/2017, de 24 de Noviembre, de Cuentas de Pago Básicas, Traslado de Cuentas de Pago y Comparabilidad de Comisiones' (2017), <https://www.boe.es/buscar/doc.php?id=BOE-A-2017-13644>.



			<p>2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR); Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (Text with EEA relevance);</p>		
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			2011/442/EU: Commission Recommendation of 18 July 2011 on access to a basic payment account Text with EEA relevance; general reference to the EU law		
	Royal Decree-Law 1/2017 on urgent measures to protect consumers on issues of floor clauses ⁵⁹	Rights of consumers	Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts;	For legal remedies, the majority of affected consumers have gone through relevant courts.	This law is reply to economic crisis and to the decisions of Court of Justice of EU (C-154/15; C-307/15 and C-308/15) that concerns consumer protection against floor causes that became unsustainable to them and the court recognized as illegal.
	Order ECC/2316/2015 (Spanish Economics and Competitivity Ministry) on obligations of	Rights of consumers	Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information		This order ensures a higher protection for financial consumer, for example, making it mandatory for the financial and credit

⁵⁹ Gobierno de España, 'Real Decreto-Ley 1/2017, de 20 de Enero, de Medidas Urgentes de Protección de Consumidores En Materia de Cláusulas Suelo' (2017), https://www.boe.es/diario_boe/txt.php?id=BOE-A-2017-653.



	<p>information and classification of financial products⁶⁰</p>		<p>documents for packaged retail and insurance-based investment products (PRIIPs) (Text with EEA relevance); Commission Regulation (EU) No 583/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards key investor information and conditions to be met when providing key investor information or the prospectus in a durable medium other than paper or by means of a website (Text with EEA relevance); Directive 2009/65/EC of the European Parliament and of the Council of</p>		<p>institutions to provide their clients with “risk indicator” which helps the clients to understand how risky a certain financial operation is.</p>
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⁶⁰ Gobierno de España, ‘Orden ECC/2316/2015, de 4 de Noviembre, Relativa a Las Obligaciones de Información y Clasificación de Productos Financieros’ (2015), https://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-11932.



			<p>13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (Text with EEA relevance); Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 Text with EEA relevance; Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and</p>		
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			trade repositories Text with EEA relevance; Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies (Text with EEA relevance)		
	Law 1/2013 to strengthen the protection of mortgage debtors, debt restructuring, and social rent ⁶¹	Rights of debtors	Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts	Bank of Spain has the role of sanctioning body, the infringements can be either serious or very serious	The law is related to economic crisis and decisions of the EU Court of Justice and aims to improve the situation of those in debt with the financial and credit institutions
	Royal Decree-Law 6/2013 on protection of owners of certain savings and investment	Rights related to personal data protection	Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for	Although there is no relevant information in the law itself regarding relevant legal remedies, it is logical to assume that in such a situation a claim can be made before the	This law introduced new instruments to guarantee the protection of the consumers of financial products.

⁶¹ Gobierno de España, 'Ley 1/2013, de 14 de Mayo, de Medidas Para Reforzar La Protección a Los Deudores Hipotecarios, Reestructuración de Deuda y Alquiler Social' (2013), https://www.boe.es/diario_boe/txt.php?id=BOE-A-2013-5073.

	products and other financial measures ⁶²		credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 Text with EEA relevance	bank itself. However, the person making the claim can also refer to the consumer protection associations and/or go before the Bank of Spain. The problem is that the decisions of the Bank of Spain are not mandatory for the banks, although they usually do follow the Bank of Spain's decisions. Finally, relevant administrative and civil courts are also an option.	
	Order of ECC/2502/2012 on complaint management against Spanish National Bank, National Securities Market Commission, and Directorate-	Consumer protection (rights of users of financial services)		No reference directly (indirectly: if, during complaint management, an infringement is discovered, it should be reported to competent authorities)	This order regards how the complaints against the most important national institutions should be presented, processed and managed.

⁶² Gobierno de España, 'Real Decreto-Ley 6/2013, de 22 de Marzo, de Protección a Los Titulares de Determinados Productos de Ahorro e Inversión y Otras Medidas de Carácter Financiero' (2013), <https://www.boe.es/buscar/doc.php?id=BOE-A-2013-3199>.



	General for Insurance and Pension Funds ⁶³				
	Law 16/2011 on credits for consumption ⁶⁴	Rights of consumers	Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC;	The infringements are sanctioned by the General Law on Consumer Protection (Royal Decree-Law 1/2007), other laws and regulations established by each autonomous region. On certain issues related to duty to inform, the Spanish Agency of Data Protection is authorized to sanction. If an individual's rights have been violated in this context, the courts defend the consumers (or the associations that defend them). The Spanish Agency of Data Protection can	This law incorporates the Directive 2008/48/EC within the national legal framework: it describes the contract of credit for consumers, requirements that apply to it (especially as concerns the duty to inform), rights and duties of the parties of such contracts, intermediaries, law applicable to pre-existing (to this law) contacts and related issues.

⁶³ Gobierno de España, 'Orden ECC/2502/2012, de 16 de noviembre, por la que se regula el procedimiento de presentación de reclamaciones ante los servicios de reclamaciones del Banco de España, la Comisión Nacional del Mercado de Valores y la Dirección General de Seguros y Fondos de Pensiones' (2012).

⁶⁴ Gobierno de España, 'Ley 16/2011, de 24 de Junio, de Contratos de Crédito al Consumo' (2011), <https://www.boe.es/buscar/act.php?id=BOE-A-2011-10970>.



				sanction, but only within the limits of its competence (that is, data protection and privacy)	
	Law 22/2007 on online financial services for consumers ⁶⁵	Rights of consumers	Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC; Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the	Sanctions are regulated in another law (Law 34/2002 on Information Society and e-Commerce), then the sanctions depend on the nature of the infringing institution, whether it is credit institution, insurance institution, institution managing pension funds, etc. The infringements that this law refers to can be either serious or very serious.	This law incorporates the Directive 2002/65/EC within the national legal framework: it aims to increase the consumer protection as concerns financial services that can be carried out online.

⁶⁵ Gobierno de España, 'Ley 22/2007, de 11 de Julio, Sobre Comercialización a Distancia de Servicios Financieros Destinados a Los Consumidores' (2007), <https://www.boe.es/buscar/doc.php?id=BOE-A-2007-13411>.



			Internal Market ('Directive on electronic commerce')		
Retail, Marketing and Pricing	Law 34/1988 on Advertising ⁶⁶	Constitutional human rights, in particular the reference is made to the articles 14 (equality), 18 (privacy, honor, personal data protection, image), 20 (4) protection of children and young people's rights in relation to personal data protection, and other privacy related rights. In addition the law also refers to civil and commercial rights: right to property and right to intellectual property protection. The law explicitly refers to	Council Directive 84/450/EEC of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising	Legal remedies are foreseen in the law on Unfair Competition (3/1991) which also foresees particular cases when women rights are involved and legal remedies can be carried out by autonomous institutions dedicated to women rights, Government Office on Gender Violence, or Prosecution Ministry (<i>Ministerio Fiscal</i>). Another possibility is to go to the courts and ask for judicial solution of the controversy.	This law introduces general rules on advertising, rules that govern illegal advertising, measures to stop illegal advertising, advertising of specific products and services (such as drugs), and specific advertising contracts (creation, dissemination, sponsorship contracts).

⁶⁶ Gobierno de España, 'Ley 34/1988, de 11 de Noviembre, General de Publicidad' (1988), <https://www.boe.es/buscar/act.php?id=BOE-A-1988-26156>.



		women rights as they could be infringed by advertisements that are sexist, misogynous, etc.			
	Law 7/1996 on Ordinance of Retail ⁶⁷	Consumer rights (in Spain, consumer protection is included in Spanish Constitution) and freedom to enterprise	Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market	Legal remedies depend on each region: remedies can be either related to administrative law or to criminal law. The offences are classified into mild, serious and very serious and the corresponding regime of fines is foreseen (from 6 000 to 900 000 euros). Access to courts and/or judicial reviews is also available.	This law was a response to social, legal and technological changes related to retail: it updates very basic rules (warrants, rights of consumers, contracts, pricing and payments, sales, special offers, clearance sales), introduces the sales online, mobile sales, and franchise.
	Royal Decree-Law 1/2007 which approves the General Law of consumers' and users' protection	Consumer rights (in Spain, consumer protection is included in Spanish Constitution),	Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the	Sanctions can be imposed by the public administration in those cases where there are risks to	This is one of the main laws on consumer and user protection in Spain and it establishes the basic rights of

⁶⁷ Gobierno de España, 'Ley 7/1996, de 15 de Enero, de Ordenación Del Comercio Minorista' (1996), <https://www.boe.es/buscar/act.php?id=BOE-A-1996-1072>.



	<p>and other complimentary laws⁶⁸</p>	<p>specifically also the rights of consumer associations, and specifies the rights of consumer and user; it also refers to the freedom of enterprise and some of the rights of the businesses in this regard.</p>	<p>protection of consumer interests (no longer in force); Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC; Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council</p>	<p>public health or violations of consumer rights: each region has its own institutions. However on the national level there is The Spanish Agency for Food Safety and Nutrition (AESAN). The infringements are classified as mild, serious and very serious. There are fines from 3000 to 600 000 euros and additional sanctions, such as public advertisements about the sanctions that were given. Access to courts is also available.</p>	<p>consumers and users, the basic terminology, and articulates specific rights, such as right to information and education of the consumers and users, requirements and rules for contracts with consumers, right to withdrawal of consumer, regulation of abusive clauses, contracts at a distance and e-contracts; product liability; rights of consumer associations; specifies which public administration institutions are to focus on consumer protection and how they should cooperate to ensure as complete as</p>
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⁶⁸ Gobierno de España, 'Real Decreto Legislativo 1/2007, de 16 de Noviembre, Por El Que Se Aprueba El Texto Refundido de La Ley General Para La Defensa de Los Consumidores y Usuarios y Otras Leyes Complementarias' (2007), <https://www.boe.es/buscar/act.php?id=BOE-A-2007-20555>.



			<p>Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (Text with EEA relevance); Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR); Regulation (EU) No 524/2013 of the</p>		<p>possible consumer protection in Spain and dedicates a large part to sanctions and remedies. It also establishes arbitral system dedicated to consumer protection.</p>
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			European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR)		
	Law of Unfair Competition ⁶⁹	Consumer rights (in Spain, consumer protection is included in Spanish Constitution), rights of entrepreneur	The law does not make any direct reference to EU legislation, but indirectly refers to Directive on Misleading Advertising (Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising).	The regime of remedies is not addressed and therefore the injured party can proceed either via commercial courts or, in case the party is consumer, via consumer protection institutions (see above)	This law is dedicated to unfair competition and in particular specifies different forms that it could take, that is, actions of unfair competition and commercial practices that are against fair competition.

⁶⁹ Gobierno de España, 'Ley 3/1991, de 10 de Enero, de Competencia Desleal' (1991), <https://www.boe.es/buscar/act.php?id=BOE-A-1991-628>.



	<p>Law on Audivisual Communication⁷⁰</p>	<p>Consumer rights (in Spain, consumer protection is included in Spanish Constitution) and rights of citizens to the audio-visual information that would respect cultural and linguistic pluralism (therefore this law refers to the human rights to education, freedom of thought, right to IP protection, right to nationality). It also specifically refers to children rights and rights of disabled people and also privacy and data protection. Indirectly it also refers to the freedom of enterprise because</p>	<p>Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities; Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of</p>	<p>The National Council of Audiovisual Media (El Consejo Estatal de Medios Audiovisuales) is the main supervision and sanctioning institution, but the autonomous regions are also entitled to sanction the infringements that take place in their territory. The infringements are classified into mild, severe and very serious. The fines can reach 1 000 000 euros. Consumers can also go to courts by themselves or via consumer associations.</p>	<p>This law refers to general rules of this sector, without interfering with local governance of audiovisual sector. It explains what rights the citizens have, what rights service providers have, explains what kind of communication is not allowed (for instance, any kind of communications that foster discrimination or violates human dignity), provides with general rules of the national audiovisual market and introduces the regime of legal remedies by listing different kinds of infringements, corresponding fines and competent institutions to apply these fines.</p>
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⁷⁰ Gobierno de España, 'Ley 7/2010, de 31 de Marzo, General de La Comunicación Audiovisual' (2010).



		it ensures the rights of audiovisual service providers to carry out their services freely and independently.	audiovisual media services (Audiovisual Media Services Directive)		
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3 Future development

As concerns future developments, the Spanish Government has made public its plans to establish new institutions to deal with AI. One of them will be the **National Council for AI** which will help the public administration to implement the National Strategy of AI, and another will be **National Committee on Ethics of AI** that will deal with ethical issues related to this technology and will aim to ensure that new technological breakthrough of AI will not threaten human rights.

The Spanish government is also working on the **Spanish Strategy of Science, Technology and Innovation for the years 2021-2027**, which at the moment is not yet available and on the new version of **the National Strategy on AI**.

RES (Spanish Supercomputing Network, more about it, (see section on 1.1.1)) is planning to focus on Data Infrastructure and related data management services: the expertise necessary for these services will relate to the one necessary to provide AI services and therefore Spanish Digital Innovation Hub for High Performance Computing (esHPC) considers its competences on optimization of AI models, support in simulation, analytics and prediction, training, research and networking of fundamental importance to achieve this goal.⁷¹

⁷¹ Red Española de Supercomputación, 'AI DIH. Spanish Digital Innovation Hub for High Performance Computing (EsHPC)', 2020, <https://www.res.es/en/aidih>.

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