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Corruption in Democratic Spain. Causes, Cases and Consequences

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Abstract

Corruption has become a daily reality in Spanish political life, and it is a recurrent theme found in the media, institutes of social research, public opinion barometers and citizenship. Right now, it is one of the most intense issues in public debate. As a result of this ubiquity, democratic principles and processes are undergoing a process of degradation that undermines the credibility and legitimacy of leaders, parties, and cultural and political institutions. The objective of this research is to show using a general and holistic focus some of the causes, cases and consequences of this corruption phenomenon in democratic Spain, including recent government policies taken to control political corruption. In our analysis of these issues, we use as main sources several journals and newspapers, annual reports of *Transparency International*, and Opinion Studies of the *Centre for Sociological Research (CIS)*. We also consider documents produced by European Institutions, such as the *Report from the States against Corruption (GRECO)* written by the European Council 2014 and the *EU Report against Corruption 2014*, among others. This communication concludes with a brief reference analysis of the responses that have been offered by public authorities (e.g. Government of Spain, National Court Prosecutor against Corruption), and we pay special attention to the new law on *Transparency, public access to information and good government*.

Keywords: Democracy, Political Corruption, Organized Crime, Political Parties, Public Administration

Corruption in Democratic Spain. Causes, Cases and Consequences¹

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1. Introduction

Political corruption has been increasing in Spanish democracy since the political transition in the seventies. Citizens believe so, and they consider that corruption is one of the three most important problems that Spain is facing nowadays. The most recent survey on public opinion of the Centre for Sociological Research (CIS 2014: Study 3,033) shows that 38.8% of respondents considered political corruption one of the three main issues currently in the country (with 15.7% stating that it is the second problem after unemployment). The economic and financial crisis has revealed many (and of a diverse nature) corrupt practices of political parties, unions, business organizations and employees of certain public administrations at all territorial and functional levels; this does not imply the involvement of the entire political class, but a small part of it. The media has realized, to a greater or lesser extent, this increasing level of corruption; and it has raised awareness amongst the general population of the severity of this problem that threatens to destabilize the Spanish political system. The last report of the *Group of States against Corruption* highlights this recent phenomenon².

¹Preliminary draft. Please do not quote without authors' permission.

²"Spain has been affected by a significant number of corruption cases concerning prominent political figures, high officials and business leaders. An extensive public debate on corruption issues is taking place at present partly due to the economic debacle which began in 2008 and has severely eroded citizens' trust in their government and the financial system. It is to be noted that, until 2008, citizens perceived corruption levels in Spain to be low and the country figured among the least corrupt 20 countries of Transparency International's yearly corruption perception index (CPI). The trend reversed dramatically when the Spanish economy entered into recession after almost 15 years of sustained economic growth. Starting from 2009, the perceived level of corruption in Spain has increased for three consecutive years. By 2012, Spain had dropped down ten places to the 30th position in Transparency International's latest CPI. A recent national poll, published in 2012, highlights that the Spanish citizens rank corruption, fraud, political parties and politics in general among their main concerns together with their biggest disquiet, i.e. unemployment" (GRECO 2013 Report).

The purpose of this paper is to explain in an integrated and holistic manner why, how and what are the consequences of the phenomenon of political corruption in the Spanish case³. Thus, the main goal is to analyze the causes, cases and consequences of corruption crimes committed in the public sphere of Spanish democracy. The idea is to try to understand the size and nature of the events that destroy the theoretical and practical bases of democracy by placing the hegemony of private interests (individually or as a group) over the common good. This is the concept of political corruption that we use throughout the paper: misconducts while in office to achieve personal gain or that of an affinity group. Thus, we understand political corruption as the abuse committed by a public official by virtue of its political and administrative position, with the purpose of personal gain or group membership, and in violation of the rules governing his/her post. That is, we consider political corruption as a punishable offense by the court. If this definition is broadened, you could also consider corruption to be any conduct that, by violating civil codes and democratic values, threatens the morality of political life. However, since politics is more often than not a battle field, it is difficult to verify the ethics of many behaviors (Friedrich, 1989; Heidenheimer, 1989; Philp, 1997, Rose-Ackerman, 2001; Máiz, 2005; Villoria Mendieta, 2006 and 2007; Villoria and Jimenez, 2012; Johnston, 2010: Vol I).

This increased in Spanish political corruption during the last decade stems from several major causes. The first is a constant electoral competition that forces political parties to increase their financial resources in order to pay for increasingly expensive campaigns. Fundraising public and private funds is essential to maintain or improve election results, a *sine qua non* condition to win or remain in power. However, when resources are obtained from private sources, it is not only necessary to pay the principal, but also interests. At the end of the day, this payment is made using public resources and corrupted means. The second cause lies in the personal ambition of

³The content of this paper is a derivation of previous works on Spain by the authors. Antonio Robles Egea and Santiago Delgado Fernandez: "Crisis of democracy and public leadership. Travel through corruption," AECPA Congress, Sevilla, 2013; Antonio Robles Egea and José Aceituno: "Political Clientelism and Corruption: A shortcoming of Democracy. Andalusia, a case study," IPSA, Madrid, 2012; Antonio Robles Egea and José Aceituno: "Political Clientelism and Corruption in Andalusia", ECPR General Conference, Reykjavik, 2011; Antonio Robles Egea and José Aceituno: "Les défauts de la démocratie. Le clientélisme et la corruption en Andalousie, *Pôle-Sud. Revue de Science Politique de l'Europe Méridionale*, 37, 2012/2, p. 51-74.

certain politicians (both elected and appointed alike) that appropriate collective assets for their personal benefit or the interest of friends, family or coreligionists. This ambition leads them to break the established ethical codes and fall into various crimes. The presence of a very indulgent political culture as a result of its amoral familism greatly aids the commission of corruption crimes in various forms. This especially occurs when the legal, judicial and police forces that are meant to prevent and control such behavior are scarce and inadequate.

The presence of corruption cases has increased exponentially both in number and type, affecting the entire national territory. During the last quarter of the twentieth century there were important and significant cases that drew the attention of the media and the public opinion. However, none of them caused the levels of political disaffection and widespread criticism of the political system that corruption cases in the last decade have achieved, especially those of Gürtel, Barcenas, Fabra, Baltar, EREs, training courses, etc. The variety observed when considering case by case is remarkable; it reveals all throughout Spain situations of illegal funding of political organizations, trade unions and corporations societies, of misappropriation of public funds, of violation in urbanism, etc.

Finally, as already mentioned, political corruption has created an anti-political consciousness never experienced before during the democratic period. Most citizens, especially the young *indignados* (“outraged”) and the unemployed, have decided to act outside and against the political system by creating new political parties and social movements. From another point of view, public institutions are taking steps to identify, report and correct the negative effects of corruption through the implementation of new laws regulating party funding and transparency, and amendments to the Criminal Code. They are also encouraging special bodies, such as the Special Prosecutor against Corruption and Organized Crime and the Unit against Economic and Tax Crimes, to take action; and they are conducting studies, investigating corruption cases, and issuing reports by government agencies and specialized NGOs. In a way, we can already observe some changes in the functioning of the government and political organizations, as a direct consequence of the control and pressure of judges, the media and the public opinion, all of which have mobilized against corruption.

However, the analysis of political corruption in Spain is getting little attention within the academia. Of course some specialists have researched the phenomenon of corruption and have made significant contributions (Jiménez, 1995; Nieto, 1997; Barreiro and Sánchez-Cuenca, 2000; Máiz, 2005; Estefanía, 2008; Piqueras, Martínez, Laguna and Alaminos, 2011, Rivero and Fernández-Vázquez, 2011; Costas-Perez, Sole-Olle and Sorribas-Navarro, 2011; Villoria and Jiménez, 2012; Jerez Darías, Martín Martín and Pérez González, 2012; CousinouMartínez, 2013; Ridaó Martin, 2014). Nevertheless, there is still a critical mass of accumulated research focusing on the depth of the problem and its effects. What we do know about corruption in Spain is derived mainly from reports developed by organizations such as TransparencyInternational, the European Union, Group of States against Corruption (GRECO), Center for Sociological Studies, and Alternatives Foundation. We also have obtained relevant information from the work of the General State's Attorney Office and the Special Office against Corruption, the General Council of the Judiciary Power and the media (when they get information and summaries of cases). The main data used in this paper is obtained from all these sources, and it is used to briefly consider the state of affairs and to make a preliminary analysis of the main issues.

Following this roadmap, Section 2 analyzes the general causes of political corruption, and it emphasizes, on the one hand, the illegal financing of political parties, trade unions and companies-business men societies; and, on the other hand, behaviors of an immoral and illegal nature that are destined to achieve personal gains. Section 3 presents the most relevant cases, illustrating their diversity and content. Then, Section 4 considers the consequences of corruption for democracy and the reactions of the public opinion and the political class to it. Finally Section 5 summarizes the main conclusions of the paper.

2. Causes of corruption in Spain

Such a complex phenomenon as corruption has a great variety of causes. Establishing a single cause for each case would be naive, since corruption results from a set

of variables associated to the economic, social, political and cultural structures of a country. The specific mix of these variables in each society determines the characteristics of corruption. In any case, once corruption appears, it feeds back the causes that enabled it to surface in the first place; this can lead to a perverse dynamic in social relations. If corruption arises due to a shortage of values and community ideals, then this same corruption can encourage the lack of moral beliefs in the public and communal life. If so, the ethical codes determining the behavior of citizens can only be recovered through an explicit commitment of the ruling elites.

General and specific analyses of the causes of corruption often emphasize the plurality and complexity of such causes. First, corruption is directly related to the cultural context of individuals who engage in this practice. For example, a lack of education and moral development, distrust of institutions and suspicion of others, and disaffection and apathy towards democracy are some of the cultural factors that might foster corruption. These elements tend to be more common in societies with greater inequality, large and rapid economic and social changes, lack of social mobility, and concentration of power in the same elites. Secondly, there are causes that are strictly political, such as funding needs of political parties, political patronage, lack of professional and well-trained public administrations, ineffective political and judicial controls, absence of a public commitment against corruption, and, most likely, the experience of a failed democracy or poor quality in its performance.

Political corruption in Spain is analyzed from a perspective based on this cluster of causes. Despite the diversity and complexity of the phenomenon, it is easy to detect that there are two major reasons why some members of political parties, political elites and public administrations engage in corrupt practices. The first one is the issue of party funding that leads to various types of crimes in different functional and territorial levels. The second is the personal ambition of individual agents that are linked to political structures and that commit crimes to achieve illicit gains. In some cases, both causes occur simultaneously (see Annex, Tables 1 and 2). Moreover, it is also necessary to consider other causes of broader scope, as the lack of alternation in power, scarcity of democratic culture and experience and the politicization of the judicial power; all of

which have prevented greater control and punishment of corruption offenses (De la Dehesa, 2014). Certainly, long periods in which the same parties are in power enhance the possibility of corruption without detection or persecution, but eventually some cases are discovered. The continuation in power of the Spanish Socialist Workers' Party of Andalusia throughout the entire democratic period has favored political patronage and corrupt practices of some of its members in office. In Catalonia, *Convergència i Unió* has ruled almost uninterruptedly and there have been numerous scandals and corruption cases. The same applies to the Popular Party in the Balearic Islands, Valencia, Galicia and Murcia, to the Canarian Coalition in the Canary Islands, and to the PNV in the Basque Country.

The almost complete monopoly of urban planning permissions by municipalities has favored local corruption, especially when the boom of the construction and real estate sectors took place. Most cases of political corruption are linked to urbanism and city planning. There has been a substantial increase in the number of cases of municipal political corruption linked to town-planning crimes, at least until the burst of the housing bubble in Spain in 2008. When the Aznar's Government approved the Land/Soil's Law in 1996, local governments were faced with demands from firms eager to obtain permissions for land planning (*licencias de construcción urbanística*) and that, in exchange, offered illicit commissions or other type of favors to town majors and councilors. Many politicians gave in to the temptation of profiting from constructing firms' bribery. For example, two of the most common illicit practices were the signing of licenses, and the granting of permits for construction on specific locations to privileged firms.

3. Cases. Number, types and geography

Obtaining objective data on corruption is very difficult and complex, especially since these crimes and illegalities are committed in a hidden and undocumented manner. Only the information provided by the media, court records, reports of various public agencies and a few academic papers give us access to the details of corruption cases, their number, people involved, contents, geography, effects, etc. Thus, it is easier to know how citizens and politicians perceive corruption than the actual reality of corruption.

The General Council of the Judicial Power issued a *Note* on April 25, 2013 reporting that 1,661 crimes were being investigated for corruption, along with 512 other cases of special complexity—of which 302 were big processes with a large number of defendants—, besides all proceedings taking place in the Supreme Court. If we consider each region separately, it appears that, out of the total of 1,661, 656 take place in Andalucía, 280 in Valencia, 215 in Catalonia, 197 in the Canary Islands, 181 in Madrid and 110 in Galicia. The remaining cases are distributed across other regions.

On another note, the Special Prosecutor against Corruption and Organized Crime announced in Parliament in November 2009 that it was investigating about 730 cases against public officials. A statement from the Unit of Economic and Fiscal Crimes also alluded to around 800 investigations, which would affect about 500 people formally accused. According to these figures, the maximum amount of people involved in corruption would be only a small fraction of the total political positions in different institutions and levels of government (65,347 town councilors, 8,116 mayors, 1,036 provincial deputies, approximately 1,800 national and regional deputies and senators, 180 ministers and 3,000 senior positions within the state, regional and local administrations). The percentage of public officials accused would not surpass 0.5%, of which urban planning infractions in coastal towns and municipalities near large cities would be the main component (Villoria and Jimenez: 2012).

Corruption has mainly affected political parties in places where they had power and resources to redistribute. Just after the democratic Transition, during the socialist governments headed by Felipe González (1982-1996), parties tried to obtain financial means to cover the costs of their internal organization and electoral campaigns. During these fourteen years, Spanish society observed the birth of corruption of public authorities under a democratic system. At the time of Franco (1939-1975), corruption was widespread, but hidden —except for a few scandals that came to light in the final stage (Matesa, Reace, Redondela, Boeing) and that were soon silenced—. During the years of political Transition there were only cases of large-scale political corruption. Thus, approximately twenty large cases of political corruption were the first to shake

the political consciousness of Spanish citizens, especially in the final phase of the governments of Felipe González (Elorza, 1996; Cousinou Martinez, 2013; Jimenez, 1995).

Table 1 (see Annex) provides an overview of the most significant cases. Most of them affect the Spanish Socialist Workers' Party (ruling in most of the country at that time), but also include other parties with government responsibilities: Convergència i Unió in Catalonia, Popular Party in various regions, and PNV in the Basque Country. Most cases are related to the financing of political parties with derivations into personal gains in some instances, and linked to the exercise of power within political institutions.

Undoubtedly, the lack of control and the political culture of the time allowed some politicians to engage in corrupt practices. The socialist hegemony gave some the idea that anything was possible. Also, there were not sufficient legal mechanisms and political control (Ridao Martin, 2014) along with a lack of political accountability. These circumstances led to a rise in corruption, which was also favored by increasing money supply at a time of rapid modernization and improvement of the standard of living in Spain. Despite how serious some cases of corruption were and the high levels of political disaffection in the first socialist stage, the democratic system continued to function normally despite the civil unrest and the early reports of the press.

In the next stage of political corruption in Spain, during the governments of Aznar (1996-2004), Zapatero (2004-2011) and Rajoy (2011-2014), political corruption changed its dimension and quality. The number of important cases and those of greater impact increased to a total of thirty cases. Corruption affected all parties with responsibility for government –some of them entrenched in power for decades and, consequently, more prone to corrupt action–. Table 2 (see Annex) presents the most significant cases. One of the most widespread types of corruption for both the illegal financing of political or union organizations and for misappropriation of public funds was collecting kickbacks when awarding contracts for goods, services and human resources or when subsidizing a variety of activities. The creation of crony networks is also present in some forms of political corruption since they are needed in order to

ensure votes, which is the ultimate goal of political power. Thus, illegal party financing and maintenance of crony networks show the inadequacy of public funding when the needs of redistribution of incentives by the parties is oversized, which seems to occur in the Spanish case. From this premise it follows the existence of violent election campaigns linked to the practice of public offenses as, for example, the cases of Barcenas, Gürtel, EREs, training courses, three percent, Fabra and Baltar (Barreiro and Sánchez -Cuenca, 2000; Máiz, 2005). However, the most common form of political corruption in our political system has been related to urban planning and construction sector. Yet, due to its local nature, this form of corruption has not had much impact at a national or regional level, except in rare cases. From 2000 to 2008, 676 out of a total of 8,116 Spanish municipalities were affected by urban planning corruption. This number has been increasing as more cases have been discovered from 2009 to 2011 (Jerez, Martín and Pérez, 2012; Robles and Aceituno, 2012).

4. Consequences. In society and in the public sphere

From a general perspective, the practical denial of democratic values and principles is the most important consequence of political corruption on the functioning of our democratic system. Antidemocratic behaviors generate new demands that are difficult to integrate within the existing political structures, and, in turn, these derive in political disaffection and its perverse effects on the legitimacy of the system.

A closer inspection of the effects of political corruption reflects a disclosure of the phenomenon through the media, especially the press. Although this role of the media as information provider was relevant during the first half of the nineties, during the last decade the media has reported news on corruption to a greater extent and intensity than in previous periods (Fundación Alternativas, 2012: 76-78). In fact, the existence of Internet and social networks has favored the spreading of countless crimes against the community. As a result of citizens knowing about corruption schemes, awareness of the problem and interest in these issues have significantly increased. This awareness has steadily accelerated over the years of the crisis. The survey data of the Center for Sociological Studies shows this trend, as corruption is already considered

one of the main problems of Spain: from minor positions in the ranking of problems, to second place. By 2005 about 70% of the respondents believed in the seriousness of the problem of corruption. After 5 years, the figure rose to 90% (Villoria and Jimenez, 2012: 112, 117-119). The Report against Corruption of the EU 2014 reported that 95% of Spaniards thought that corruption was rampant and widespread, while only 10% felt that the government was effectively fighting it and successfully arresting those involved. This change in citizens' perception has been studied in all its complexity, and the main conclusion is that there exist many causes that create a perceptual mental state.

This greater awareness of political corruption that affects elites, institutions and all citizens has been developed parallel to a social protest against the established powers (economic, social, political, etc.). Currently there exist quite a few new social movements that demand profound changes in institutions. Perhaps the paradigmatic model is the *15-M movement* ("Democracia Real ya") that integrated very diverse groups under the slogan *outraged* ("indignados"). This would have re-launched the "anti-eviction" action, "escraches", "occupations", etc. More active citizens have taken the lead in the political arena outside political institutions. Their goal is to transform the electoral system and make it more direct and open by promoting forms of assembly in decision-making, closely monitoring public decisions, etc. Also, based on these new ideas of public assemblies, new political parties have been born; and, with a popular and radical-democratic discourse, they have begun to gain electoral success and to pressure the political system for it to change. A clear example is the political party *Podemos*.

Concerns about political corruption already existed in specialized, official organizations in several countries, the European Union and at the international level; and also unofficial organizations, such as Transparency International that fights against corruption and in favor of transparency. In recent years, their reports focusing specially on governments have contributed to effectively inform citizens and help them demand more clarity in public management.

International Transparency (TI), and more specifically Spanish Transparency International (TI-E) have openly acted against corruption, to the full extent of their ability to act. General TI Reports, especially the Corruption Perceptions Index, have been a reference that has shaped the opinion of Spanish citizens. But also, TI-E has launched a series of surveys to measure the level of transparency in Spanish political institutions (city and province councils, regional governments and parliaments, etc.). This initiative has brought about a reaction of the aforementioned institutions seeking to improve their rates, as shown in the tables included in the Annex. In the short life of TI-E transparency reports, we can observe an improvement in public transparency that is most likely due to the government's own interest to give a good image of its management. Also, governments are pressured by the demands of citizens and the need to comply with increasingly demanding regulations to control corruption, along with a more aggressive attitude of TI-E against it.

In the Corruption Perception Index prepared by TI, Spain has gone from being 22nd in 2002 to 40th in the ranking of the last report (2013). During this period, its rating has fallen from 7.1/10 to 5.9/10. Thus, our country's position is equal to that of other European countries and other continents with lower rates of development than ours (see Table 3, Annex).

Furthermore, TI-E transparency indexes show an improvement in institutional transparency, despite citizens' extensive and severe perception of politicians, public institutions and corruption in general. Municipalities have increased transparency from a ranking of 52.1/100 in 2008 to 70.9/100 in 2012, and achieving similar percentages in most indicators and variables that have been evaluated in about a hundred town halls. Particular emphasis was put on economic and financial transparency, service contracts, public works and urban development, in which the positive variation was much higher (see Table 4, Annex).

Province Councils, which are institutions chosen through indirect elections, still retain some of the gloom that has always characterized them, being the least transparent agencies in the network of Spanish authorities. The two surveys conducted by TI-E

show that province councils have made an effort to bring clarity to their management, since they have gone from a falling grade of 48.6/100 on average in 2012, to the much better grade of 69.6/100 on average in 2013, only a year later. However, the ranking of province councils shows significant heterogeneity between the top positions close to a grade of 100 and the very last that do not achieve the minimum passing grade (see Table 5, Annex).

In the case of Autonomous Communities, it is observed, in general, greater transparency between the 2010 and 2014 indexes, from 71.5/100 to 88.6. There are some rare exceptions, such as Madrid whose score has worsened significantly, from 80.0 to 65.0 in the same period. Overall, the scores that Autonomous Communities receive reflect great administrative clarity, placing all of them, except for the case of Madrid already mentioned, between 78.0 and 100 in the evaluation of 2014. Catalonia, Castilla-Leon and the Basque Country got 100% in all items taken into account (see Table 6, Annex).

Finally, TI has begun to survey the level of transparency in Spanish Parliaments. The 2014 results show an average score of 64.1/100, obtained in the evaluation of the 17 regional parliaments, Congress and the Senate. As expected, there are significant inequalities between some parliaments and others, both in the six regions studied in the survey and in the general index. The most outstanding result is that assessments of economic and financial transparency and service contracts achieve minimum scores. The most transparent parliaments are those of Cantabria (98.8), Navarra (87.2) and the Senate (83.8); while the least transparent are Murcia (42.0), Canarias (42.2) and Madrid (51.3). TI-E made a prior evaluation to the disclosure of the survey implementation. The final results were better than those obtained without previous communication, since parliaments themselves introduced changes on their websites and systems for internal and external communication. This shows that the simple requirement to pass external evaluations can improve public transparency, which corroborates our hypothesis (see Table 7, Annex).

This increase in the level of corruption in Spain has also resulted in greater visibility of both old and new anti-corruption agencies that try to prevent, detect and control corruption offenses. One is the Special Prosecutor against Corruption and Organized Crime. Other agencies are within the National Police and are specifically dedicated to these tasks, such as UDEF (Unit against Economic Crime and Tax Fraud). Also some judges have shown special predilection for cases against corruption offenses (Garzón, Ruz, Alaya, Prado, etc.)

Complementary to this work of discovery, prosecution and indictment of crimes there has been an improvement in standards in the political and administrative life that have enhanced the functioning and transparency of public bodies. The best proof of this is the recent passage of the so-called Transparency Act, which certainly is a step forward to control the action of the government and public administrations.

In most democratically advanced countries of our environment, transparency of public powers is widely demanded. In response to this requirement and for greater democratic quality, a large number of countries have approved general rules on transparency in recent decades. To date, Spain had remained outside this current with no specific legislation on the matter, beyond a small reference within an article of the Law 30/1992 of 26 November on the Legal Regime of Public Administrations and Common Administrative Procedure.

The adoption of the Transparency Law, Access to Information and Good Government improves Spanish legislative provisions in relation to transparency and information openness of the Spanish public institutions, as well as the level of knowledge, control and even participation of citizens in matters related thereto. According to the president of Transparency International in Spain, Jesús Lizcano, this law, despite having many weaknesses, "may mark a before and after in the information culture of the public sector and citizen involvement in the future of their institutions" (Lizcano, 2013). At a regional level, Galicia was the first Spanish Autonomous Community to adopt a Law on Transparency and Good Practices in Public Administration in June 2006. It was followed by Navarra in 2012, with its Law

on Transparency and Open Government. Regulatory standards in this context have been approved, or are in the process of being adopted, in Andalusia, Asturias, Balearic Islands, Cantabria, Castilla-Leon, Catalonia, Valencia, Extremadura, La Rioja, Murcia, and the Basque Country.

As for transparency, the law promotes an active transparency. It identifies the agents that are obliged to provide information. It presents content related to information of an institutional, organizational, economic, budgetary, etc. nature that more than 21,400 public institutions in Spain will have to report, as well as other private entities. It also regulates the Transparency Portal in order to centralize and facilitate on-line access for citizens to all the information published by different agencies.

Regarding Public Information, it relates all information that citizens will be able to request to institutions, and also the ways and channels to exercise that right and the necessary applications. It also regulates the grounds of inadmissibility, manner and terms of the relevant resolutions by public institutions, and the creation of information departments that can implement the collection and provision of this information to the citizens.

The part devoted to good government is the section that is most related to the prevention of corruption. It establishes a set of principles that should govern and must be implemented by public offices and agents in order to avoid and prevent any kind of illegal action, especially actions resulting in the aforementioned corruption. At the same time the law introduces a system of offenses and penalties for breaches of the rules and principles of the standard in relation to good government, which is especially important in so far as it contemplates the previous two sections of the law. Finally, it establishes the Council for Transparency and Good Government, which is a public body responsible for ensuring compliance with the obligations of transparency and access to information as well as compliance with the provisions of good governance.

The Law is broadly considered as an improvement on the previous situation; however, it shows some deficiencies. Transparency International Spain has highlighted

some of these weaknesses. For example, the act does not include a clear and explicit system of offenses and penalties for politicians and public officials for breaches of the standards of transparency. This matter is referred to a subsequent regulation. It regulates a silent administrative regime too wide. It broadly limits access to information that harms issues related to relatively vague matter such as "economic interests", "economic and monetary policy," or "environmental protection". It introduces the obligation for public authorities to publish only the relationship of their real estate properties, excluding thus the obligation to publish all their possessions –so that a very substantial part of their wealth will be hidden for citizens–.

Furthermore, the Board of Transparency and Good Government is not independent to the extent that its Chairman is appointed by the Government and only a simple majority is needed for endorsement. Also, its competencies are not clearly defined. Everything is left open until a future decree that contains the guidelines for its management is approved. Also, it has been questioned and criticized the addition to the sixth final provision of the “Amendment of Law 10/2010 of April 28 on the prevention of money laundering and terrorist financing”, as well as the broad term for its implementation for the vast majority of existing public institutions in Spain (those belonging to the regional and local levels).

5. Conclusions

Briefly, it can be concluded that political corruption in Spain is the result of a combination of several variables as for example the lack of a strong and democratic political culture that favors the shortage of control and accountability of policy makers in the democratic functioning. As *Reports* illustrate, Spain needs to take on the challenge of modernizing its legislation regarding issues of corruption and transparency in the public sector. The vast proliferation of corruption cases shows that the system of detection, control and punishment was, and still is, inadequate. Political parties have to understand that democracy is meaningless if there are anti-democratic (and therefore illegal) behaviors in its core. The survival of old parties now depends on their purification and creation of the necessary mechanisms for transparency, despite the limitations these might imply for policy action.

Recovering the 20th place in the ranking in the International Corruption Perception Index will be difficult and slow, as well as establishing measures to avoid future setbacks, as it has been the case in the last decade. In order to achieve this goal, many conducts have to disappear from the political arena: all cases of illegal financing, abuse of power, kickbacks, political patronage, misappropriation of public funds and illicit personal appropriations. Only the surveillance under the Transparency Act and its implementation by executive agencies, as well as a proper functioning of the judicial power, will be able to control and eradicate corruption. Also, public authorities have to remove both general and specific causes that the corruption phenomenon requires for its formation. Without the latter, the other measures are insufficient. For now, the pressure from the media, the new active citizenship, the tendency of governments and politicians towards more information and clarity, a quality democracy and good government, presage changes in the correct direction.

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Table 1 Major Repercussion Cases of Political Corruption (1982-1996)

	Cases	Type	Offences/Crimes	Party	Administration	Place
1	<i>Contrataciones irregulares (Irregular Hirings)</i>	Illegal commissions	Corruption Bribery	Socialist Party	City Councils	Murcia Lorca Elche, Ceuta Mérida Mahón Madrid Castellón Valencia y Alicante
2	<i>Flick</i>	Irregular funding Capital gains through the consortium of companies Flick and other German Foundations	Illegal Party Funding	Socialist Party		Madrid
3	<i>Ceres</i>	Irregular Funding through one travel agency INSERSO created by the Socialist Party Members and Trade Unionists from <i>Unión General de Trabajadores</i>	Misappropriation of public funds	Socialist Party		
4	<i>BOE</i>	Fake payment for paper (not at their real price)	Misappropriation of public funds Embezzlement Fraud to the Administration Bribery	Socialist Party	Autonomous Administration <i>Boletín Oficial del Estado</i>	Madrid
5	<i>Guido Brunner (Former Germany Ambassador in Spain)</i>	Kickbacks obtained due to the purchasing of SEAT by Volkswagen	Illegal Party Funding	Socialist Party		Madrid

6	<i>Urralburu</i> (Former President of Navarre and former regional minister of Public Works)	Illegal commissions	Bribery Embezzlement Fraud Unlawful source of income	Socialist Party	Government of the Foral Community of Navarra	Navarra
7	<i>Roldan</i> (Former General Director of the <i>Guardia civil</i>)	Illegal commissions from companies consortium funded with reserved funds from unlawful source of income	Misappropriation of public funds Embezzlement Fraud to the Administration Bribery	Socialist Party	Public administrative service of the State	Madrid
8	<i>RENFE</i>	Fraudulent sale to RENFE	Misappropriation of public funds	Socialist Party	Public administrative service of the State	Madrid
9	<i>Casinos</i>	False bills issued to <i>Casinos de Catalunya</i> (consortium)	Illegal Party Funding	Convergence and Union	Catalonia	Barcelona
10	<i>Tragaperras</i>	Illegal commissions through false operating licenses	Illegal Party Funding	Basque Nationalist Party	Basque Country Government	Basque Country
11	<i>FILESA</i>	Companies conspiracy to collect funds	Illegal Party Funding Companies Collaboration for false billing and reporting	Socialist Party Leaders		Madrid
12	<i>Ollero</i> (Former General Director of Motorways Andalusian Government)	Illegal commissions to get public works contracts	Influence Peddling Bribery Embezzlement Fraud	Socialist Party	<i>Junta de Andalucía</i> Government of Andalusia	Sevilla

13	<i>Contratación Burgos</i>	Undue use of privileged information	Bribery Embezzlement Fraud	Popular Party	City Council	Burgos
14	<i>Pérez Villar</i> (Former Senator)	Grants to mining companies clients of his wife's lawyer's office	Bribery Embezzlement Fraud	Popular Party	Government of <i>Castilla y León</i>	Valladolid
15	<i>Fondos reservados GAL</i>	Misuse of funds destined to pay bonuses and gifts of agents involved in the against-terrorism office	Misappropriation of public funds Abuse of power	Socialist Party (Barrionuevo, Corcuera, Vera y Sancristóbal)	Government of Spain	Madrid
16	<i>AVE</i>	Illegal commissions to companies awarded Spanish Train High Speed (AVE)	Illegal Party Funding Misappropriation of public funds Bribery	Socialist Party Leaders	<i>RENFE</i> Government of Spain	Madrid
17	<i>Sóller</i>	Illegal commissions	Bribery Illegal Party Funding	Popular Party	Government of Balearic Islands	Mallorca
18	<i>IBERCORP</i>	Bank loans to a friend of the Bank of Spain Governor	Influence peddling	Socialist Party (Mariano Rubio y Manuel de la Concha)	Bank of Spain	Madrid
19	<i>Naseiro</i> (Former Popular Party treasurer)	Illegal commissions for direct award of projects and contracts	Illegal Party Funding	Popular Party	City Council	Valencia

20	<i>Juan Guerra</i> (Government Vice-President brother)	Plot of companies for real state offices and building business Illegal commissions	Unlawful source of income Bribery Misrepresentation of facts in a public record Tax Evasion Misuse or undue assumption of public office	Socialist Party	Spanish Government Delegation	Sevilla
21	<i>Mariano Rubio</i> Governor of the Bank of Spain	Kickbacks Illegal gains	Tax evasion Fraudulent misrepresentation	Socialist Party	Bank of Spain	Madrid
22	<i>De la Rosa</i> (Gran Tibidabo's President)	Illegal business guaranteed by Catalanian Parliament	Illegal Party Funds	Convergence and Union	Catalonia	Barcelona

Source: authors.

Table 2 Major Repercussion Cases of political corruption (1996-2014)

	Cases	Types	Offences/Crimes	Parties	Administration	Place
1	<i>Bárceñas</i> (Former Popular Party treasurer linked to the <i>Gürtel</i> Case)	Corruption conspiracy Illegal commissions Illegal party funding	Misappropriation of public funds Unlawful source of income Money laundering Fraudulent accounting Bribery Influence peddling	Popular Party	Several public administrations	Madrid and other places
2	<i>Gürtel</i> (Companies linked to the Popular Party Administrations)	Conspiracy of corruption Illegal commissions Illegal party funding	Misappropriation of public funds Unlawful source of income Money laundering Fraudulent accounting Bribery Influence peddling	Popular Party	Autonomous Communities of Valencia, Balears, Madrid and Castilla-León And several city councils	Autonomous Communities of Valencia, Balears, Madrid and Castilla-León And several city councils
3	<i>Malaya</i> (Conspiracy of town planned corruption)	Illegal commissions	Unlawful source of income by public officials Money laundering	<i>GIL</i> (Liberal IndependentFree Group) and otherpartys (Three former mayors and town councilors)	City Council	Marbella
4	<i>Tres por ciento</i>	Illegal Commissions	Bribery Influence peddling Embezzlement	Convergence and Union	Catalonia-ADIGSA	Barcelona

5	<i>Gescartera</i> (Fraudulent Company of Investments qualified as Agency of securities)	Control Responsibility Inhibition	Professional negligence	Popular Party	Government of Spain Departments of the Treasury and Economy CNMV	Madrid
6	<i>Pallerols</i> (Businessmen, CEI group, recibes funds for training courses for unemployed and these are partially diverted)	Illegal Commissions (10%) Illegal Party Funding Misapplication of administrative norms	Misappropriation of public funds Bribery Corruption	Democratic Union of Catalonia	<i>Catalonia</i> Regional Minister of Labor	Barcelona
7	<i>Tomey</i> (President <i>Province Council</i> , Senator, President FEMP)	Public properties concealment	Misrepresentation of facts in a public record (Fraudulent accounting)	Popular Party	<i>Province Council</i>	Guadalajara
8	<i>Lacalle</i> (Conservative leader of Catalonia)	Illegal Party Funding	Misappropriation of public funds Bribery Corruption	Popular Party		Madrid- Barcelona
9	<i>Diputación de Zamora</i>	Illegal Commissions to award public works companies Illegal Party Funding	Misappropriation of public funds Bribery Corruption Misuse or undue assumption of public office	Popular Party (several public officers)	<i>Province Council</i>	Zamora

10	<i>Eduard Serra</i> (Former Minister of Defense)	Illegal commissions paid to Luis Roldan's Company (when he still was not President of other company)	Fraud of law	Popular Party	Government of Spain Ministry of Defense	Madrid
11	<i>Invercaria</i> (Risk capital Company linked to RTVA and EGMASA)	Activity of public funds concealment for illegal goals	Bribery Corruption Misappropriation of public funds Money laundering	Socialist Party	<i>Junta de Andalucía</i> Government of Andalusia	Sevilla Andalucía
12	<i>Mercasevilla</i> (Awards <i>Junta de Andalucía</i>)	Illegal Commissions (Authorities of Mercasevilla and the former Employment Delegate of the Junta de Andalucía in Sevilla)	Bribery Corruption Misappropriation of public funds	Popular Party and Socialist party	City Council and <i>Junta de Andalucía</i>	Sevilla
13	<i>EREs</i> (<i>Expedientes de regulación de empleo</i>) Funds to help Companies and City Councils during economic crisis	Early retirement Illegal Commissions False awards Political cronyism	Bribery Corruption Misappropriation of public funds	Socialist Party IFA IDEA	<i>Junta de Andalucía</i>	Andalucía

14	<i>Cursos de formación</i> for unemployed awarded by the European Social Fund, Spanish Government and <i>Junta de Andalucía</i>	Illegal commissions Illegal Party Funding Political Cronyism	Bribery Extortion Embezzlement Influence peddling Misappropriation of public funds Misrepresentation of facts in a public record	Socialist Party Popular Party <i>Unión General de Trabajadores</i> <i>Comisiones Obreras</i> <i>Organizaciones corporativas empresariales</i> Companies Consortiums	Autonomous Communities of Andalusia and Madrid among others	Andalucía Madrid Several Regions
15	<i>Brugal</i> Political leaders of the <i>Province Council</i> and several city councils)	Illegal and fraudulent award of projects and contracts Purchasing of votes Purchasing Local TV Changes of land use or class	Bribery Extortion Influence peddling Misappropriation of public funds	Popular Party	<i>Province Council</i> City Councils	Alicante Orihuela
16	<i>Fabra-Diputación de Castellón</i>	Illegal activities: Appointment of public officers Contracts Commissions Political cronyism	Misappropriation of public funds Evasion Tax	Popular Party	<i>Province Council</i>	Castellón de la Plana
17	<i>Palma Arena</i>	Illegal commissions False bills	Influence peddling Bribery Embezzlement Perversion of justice Misrepresentation	Popular Party	Autonomous Community	Islas Baleares

			of facts in a public record			
18	<i>Palau</i>	Illegal commissions	Misappropriation of public funds Unlawful source of income	Convergence and Union	Catalonia	Barcelona
19	<i>Jordi Pujol</i>	Illegal commissions	Influence peddling Tax Evasion	Convergence and Union	Catalonia	Barcelona
20	<i>ITV</i> (Jordi PujolFerrusola)	Illegal commissions	Bribery Influence peddling Unlawful source of income	Convergence and Union	Catalonia	Barcelona
21	<i>Baltar</i> <i>Diputación de Orense</i>	Illegal activities: Appointment of public officers Contracts Commissions Political cronyism	Unlawful source of income Tax Evasion	Popular Party	<i>Province Council</i>	Orense
22	<i>Urdangarín</i> <i>InstitutoNóos</i> <i>Aizon</i>	Companies network around <i>InstitutoNóos</i> (Non-profit society) directed by the Duke of Palma billing reports and events organization for public administrations	Influence peddling Misappropriation of public funds Unlawful source of income Misrepresentation of facts in a public record	<i>InstitutoNóos</i> Popular Party	Generalitat Valencia City Council Consell Balearic Islands Community of Madrid	Mallorca Valencia Madrid

23	<i>Cooperación-Blasco</i> (Former regional minister of Cooperation)	misappropriation of public funds for cooperation	misappropriation of public funds Unlawful source of income	Popular Party	Generalitat Valencia	Valencia
24	<i>Pokémon</i> Mayor and local councilors	Illegal commissions	Influence peddling Misappropriation of public funds Unlawful source of income Bribery	Popular Party	City Council	Santiago de Compostela
25	<i>Pretoria</i> Former mayor Former Congressist Former High Public officers of the Generalitat	Conspiracy of urban planning corruption Illegal commissions Changes of land use or class	Influence peddling Misappropriation of public funds Unlawful source of income Bribery Public Administration Fraud	Catalonian Socialist Party Convergence and Union	City Councils Generalitat Catalunya	Santa Coloma de Gramanet Badalona San Andrés de Llavaneras Barcelona
26	<i>Campeón</i> Several high public officers	Irregular awards and illegal commissions	Influence peddling Misappropriation of public funds Bribery Unlawful source of income	Galician Nationalist Block Popular Party Socialist Party Convergence and Union	<i>Xunta de Galicia</i> Government of Galicia	Galicia

			Money laundering			
27	<i>Baleares 1</i> (Public officers of <i>Unión Mallorquina</i> linked to <i>Consell</i> and several City Councils) Cases Domenge, Son Oms and Land Plan of Mallorca	Conspiracy of urban planning corruption Illegal commissions Changes of land use or class Illegal Party Funding	Influence peddling Misappropriation of public funds Bribery Unlawful source of income Money laundering Public Administration Fraud	<i>Unión Mallorquina</i>	Several City Councils and <i>Consell</i>	Islas Baleares
28	<i>Baleares 2</i> (Public officers in Jaume Matas Government and other local public institutions) Cases Andratx, Palma Arena among others	Conspiracy of urban planning corruption Illegal commissions Changes of land use or class Illegal Party Funding	Influence peddling Misappropriation of public funds Bribery Unlawful source of income Money laundering Public Administration Fraud	Popular Party	Several City Councils and <i>Consell</i>	Balearic Islands
29	<i>Ojeda-Cursos de Formación</i>	Companies network created by former regional minister being granted through Courses for Unemployed people although they never were developed or they were developed under the planned budget	Influence peddling Misappropriation of public funds Bribery Unlawful source of income Public Administration Fraud	Socialist Party	<i>Junta de Andalucía</i> Government of Andalusia	Sevilla and Cádiz

Source: authors.

Table 3 Corruption Perception Index in Spain (IPC)

Year	Index	Ranking	Surveys	Deviation	Range a-b
2002	7.1	22	10	1.0	5.2-8.9
2003	6.9	24	11	0.8	5.2-7.8
2004	7.1	23	11		6.7-7.4
2005	7.0	23	10		6.6-7.4
2006	6.8	23	7		6.3-7.2
2007	6.7	25	6		6.2-7.0
2008	6.5	28	6	1.0	5.7-6.9
2009	6.1	32	6	0.8	5.5-6.6
2010	6.1	30	6	0.6	5.3-6.8
2011	6.2	31	9	0.28	4.5-7.3
2012	6.5	30	7	2.9	5.2-7.3
2013	5.9	40	7	4.9	4.1-7.3

Source: Transparency International

Table 4 City Council Transparency Index (ITA)

	2008	2009	2010	2012
General Index	52.1	64.0	70.2	70.9
Municipal Corporation Information	69.6	71.4	68.1	72.2
Relationship with Citizens	69.0	71.4	77.3	76.3
Economic and Financial Transparency	29.1	49.1	63.8	71.2
Service Contracts Transparency	37.3	58.3	70.1	68.6
Urban Planning and Public Works Transparency	48.4	67.0	72.2	77.6
Compliance with New Law Transparency				57.4

Source: Transparency International Spain

Table 5 Province Councils Transparency Index 2012/13 (INDIP)

Province	2013 Index	2013 Ranking	2012 Index	2012 Ranking
León	100	1	71.3	8
Valladolid	100		87.5	3
Orense	98.8	3	37.0	30
Tarragona	97.5	4	92.5	2
Vizcaya	97.5		95.0	1
Palencia	96.3	6	77.5	7
Valencia	93.8	7	28.8	39
Granada	92.5	8	36.3	26
Lugo	92.5		55.0	15
Barcelona	91.3	10	86.3	4
Huelva	90.0	11	26.3	42
Zamora	88.8	12	80.0	6
Badajoz	86.3	13	31.3	34
Huesca	86.3		81.3	5
Albacete	85.0	15	33.8	29
Salamanca	85.0		67.5	11
Málaga	83.8	17	70.0	10
Soria	83.8		71.3	8
Gran Canaria	81.3	19	37.5	25
Menorca	81.3		50.0	17
Alicante	77.5	21	50.0	17
Ávila	73.8	22	30.0	37
Pontevedra	71.3	23	58.8	13
Jaén	68.8	24	36.3	26
Mallorca	67.5	25	53.8	16
Girona	63.8	26	31.3	34
Burgos	63.8		47.5	20
Córdoba	63.8		36.3	26
Guipúzcoa	63.8		33.8	29
A Coruña	60.0	30	60.0	12
Cáceres	60.0		40.0	24
Segovia	58.8	32	33.8	29
Castellón	53.8	33	33.8	29
Álava	52.5	34	57.5	14
Cádiz	52.5		42.5	23
Ciudad Real	52.5		48.8	19
Almería	45.0	37	43.8	22
Sevilla	42.5	38	45.0	21
Lleida	40.0	39	32.5	33
Toledo	37.5	40	23.8	44
Zaragoza	36.3	41	26.3	42
Cuenca	35.0	42	31.3	34
Tenerife	32.5	43	27.5	41
Teruel	25.0	44	23.8	44
Guadalajara	18.8	45	28.8	39
Average	69.6		48.6	

Source: Transparency International Spain

Table 6 Autonomous Communities Transparency Index (INCAU)

Autonomous Community	INCAU 2014	INCAU 2012	INCAU 2010	Average
AND	87.5	92.5	87.5	89.16
ARA	85.0	75.0	70.0	76.6
AST	90.0	66.3	67.5	74.6
BAL	92.5	83.8	56.3	77.53
CAN	80.0	63.8	66.3	70.83
CTB	87.5	95.5	53.8	78.93
CTL	100.0	90.0	73.8	87.93
CLM	83.8	58.8	62.5	68.1
CAT	100.0	78.8	82.5	87.1
EXT	85.0	87.5	81.3	84.6
GAL	93.8	90.0	87.5	90.43
MAD	65.0	72.5	80.0	72.5
MUR	78.8	55.0	70.0	67.93
NAV	88.8	91.3	80.0	86.7
PV	100.0	97.5	57.5	81.66
LRJ	96.3	97.5	83.8	
VAL	92.5	63.8	56.3	
Average	88.6	79.9	71.5	

Source: Transparency International Spain

Table 7 Parliament Transparency Index (2014)

Parliament	General Index	Information about Parliament	Management and Activity Information	Relationship with Citizens and Society	Economic and Financial Transparency	Services/ Contract Transparency	New Transparency Law	Average
AND	55.7	60.0	88.9	55.6	55.6	16.7	41.7	55.7
ARA	79.7	80.8	88.9	72.2	75.0	83.3	83.3	79.7
AST	74.7	76.9	100.0	72.2	62.5	66.7	66.7	74.7
BAL	45.0	65.4	44.4	38.9	11.1	16.7	50.0	45.0
CTB	98.8	100.0	100.0	94.4	100.0	100.0	100.0	98.8
CAN	42.3	61.5	25.0	50.0	22.2	16.7	27.3	42.3
CTL	61.5	76.0	44.4	50.0	66.7	66.7	54.6	61.5
CLM	79.5	80.8	100.0	61.1	75.0	80.0	91.7	79.5
CAT	63.5	83.3	77.8	72.2	14.3	60.0		63.5
CONGRESO	65.0	69.2	100.0	55.6	66.7	50.0	50.0	65.0
EXT	72.2	76.0	100.0	88.9	22.2	66.7	58.3	72.2
GAL	57.0	61.5	88.9	55.6	55.6	0.0	50.0	57.0
MAD	51.3	53.8	66.7	55.6	37.5	40.0	41.7	51.3
MUR	42.0	47.4	55.6	38.9	22.2	33.3	45.5	42.0
NAV	87.2	100.0	100.0	83.3	77.8	83.3	66.7	87.2
PV	67.5	73.1	88.9	66.7	33.3	50.0	75.0	67.5
SENADO	83.8	88.5	100.0	77.8	77.8	83.3	75.0	83.8
LRJ	65.4	80.8	77.8	55.6	37.5	40.0	66.7	65.4
VAL	52.6	56.0	100.0	55.6	22.2	20.0	41.7	52.6
Average	64.1	73.2	81.4	63.2	49.2	51.2	58.6	

Source: TransparencyInternational Spain