



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Spain

ILO
TECHNICAL
NOTE

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CHAPTER II. Selection of the Article 65, 66 or 67 under C102/ECSS and determination of the Standard Reference Wage used for calculating the replacement level of benefits

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Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

**International Labour Standards Department (NORMES), Social Security Unit
Social Protection Department (SOCPRO)**

ILO Production Team:

- Alexandre Egorov – Head of Social Security Unit (Editor)
- Margarita Lysenkova – Labour economist
- Svetlana Mandzhieva – Legal specialist
- Valeria Nesterenko – Statistician
- Olena Vazhynska – Research officer

The information and data contained in the Technical Note is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

National abbreviations:

SMI	Mnimum wage (salario mínimo interprofesional)
UGT	General Union of Workers
TRLET	Workers' Statute
IPREM	Public Indicator of Multiple Effect Income (Indicador público de renta de efectos múltiples)

*CHAPTER I. Adequacy of social security benefits:
income and poverty indicators and standards*

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Country profile by Eurostat indicators, National indicators and ILO minimum standards

<u>Eurostat</u>	EU-Avg 2013	2005	2012	2013	2014
At-risk-of-poverty threshold (40%, single person)	€ 462.3	€ 348.4	€ 462.3	€ 450.8	€ 442.3
At-risk-of-poverty threshold (50%, single person)	€ 577.8	€ 435.6	€ 577.8	€ 563.5	€ 552.8
At-risk-of-poverty rate - 50%, before social transfers	19.5%	17.1%	22.4%	23.3%	24.4%
At-risk-of-poverty rate - 50%, after social transfers	10.2%	13.1%	14.4%	13.9%	15.9%
At-risk-of-poverty rate for children under 18 y.o. - 50% thrd	12.4%	17.4%	20.7%	20.2%	22.8%
In-work poverty rate - 50% threshold	5.2%	6.6%	6.9%	6.6%	8.1%
At-risk-of-poverty rate for pensioners - 50% threshold	6.0%	13.8%	6.4%	5.3%	4.1%
Aggregate replacement ratio	55%	57%	55%	60%	60%
Severe material deprivation (% of total population)	9.6%	4.1%	5.8%	6.2%	7.1%
Persistent at-risk-of-poverty rate - 50% threshold	5.2%		7.3%	7.2%	8.8%
Social protection expenditure as % of GDP	25.0%	20.6%	25.9%	25.9%	
Gini coefficient before social transfers	36.1%	34.4%	38.7%	38.8%	39.9%
Gini coefficient after social transfers	30.5%	32.2%	34.2%	33.7%	34.7%

<u>National indicators</u>		
Minimum guaranteed income	€ 300.0*	2012, Ministry of Health, Social Services and Equality
Minimum wage	€ 752.9	2013, Ministry of Employment and Social Security
Minimum old-age pension	€ 426.9	2014, Ministry of Health, Social Services and Equality
Average wage	€ 2230.8	2013, United Nations Economic Comission for Europe
Average old-age pension	€ 1146.2	2013, The 19th Government Report on the application of the ECSS

<u>Government Report under the ECSS submitted in 2015</u> (the amount s of benefits refer to 2013)				
Reference wage of skilled worker	Net amount: € 1807.3 without children (Part V) Net amount: € 1879.5 with 2 children (Parts II, III, IV, VI, VIII)			
Social Security branch	Standard beneficiary	Total benefit	Gross RR	Net RR
Part III Sickness benefit	Art. 65-6c	day 4 to 20 - € 1127.7	60.0%	60.0%
		from day 21 - € 1409.7	75.0%	75.0%
Part IV Unemployment benefit	Art. 65-6c	day 1 to 180 - € 1332.2	59.2%	70.9%
		from day 181 - € 1124.4	50.0%	59.8%
Part V Old-age benefit	Art. 65-6c	€ 1701.1	86.3%	95.3%
Part VI Employment injury benefit	Art. 65-6c	55% incapacity - € 1297.9	55.0%	69.1%
		Abs incapacity - € 2359.7	100.0%	125.6%
Part VII Family benefit	Not ratified			
Part VIII Maternity benefit	Art. 65-6c	€ 1879.5	100.0%	100%
Part IX Invalidity benefit	Art. 65-6c	55% incapacity - € 1349.8	55.3%	69.5%
		Abs incapacity - € 2454.2	104.0%	130.6%
Part X Survivor's benefit	Not ratified			

Fig. 1. Income and poverty- single person, 2013

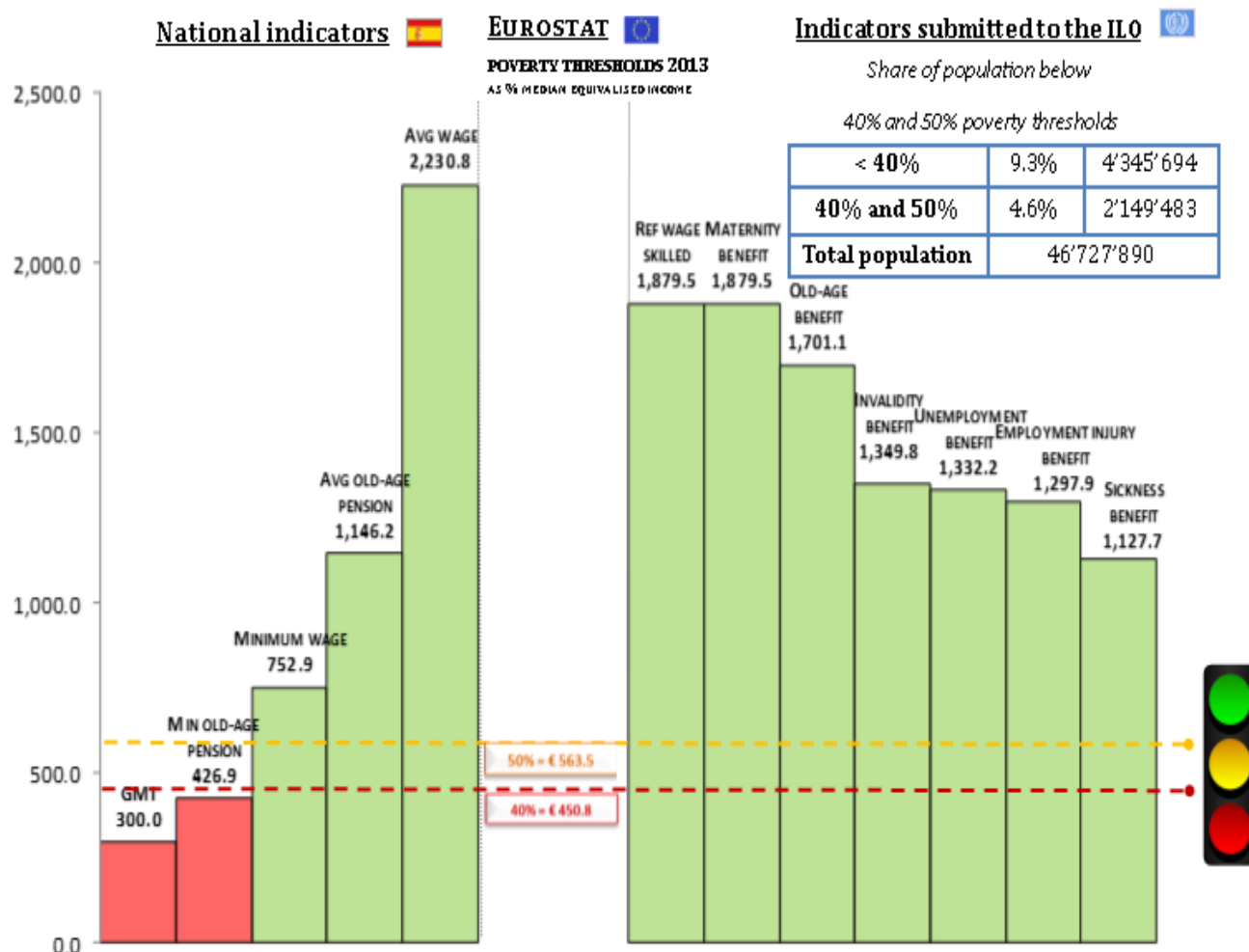


Fig. 2. Structure of population in poverty (Eurostat poverty thresholds of 60%)
by the most frequent employment status, 2013

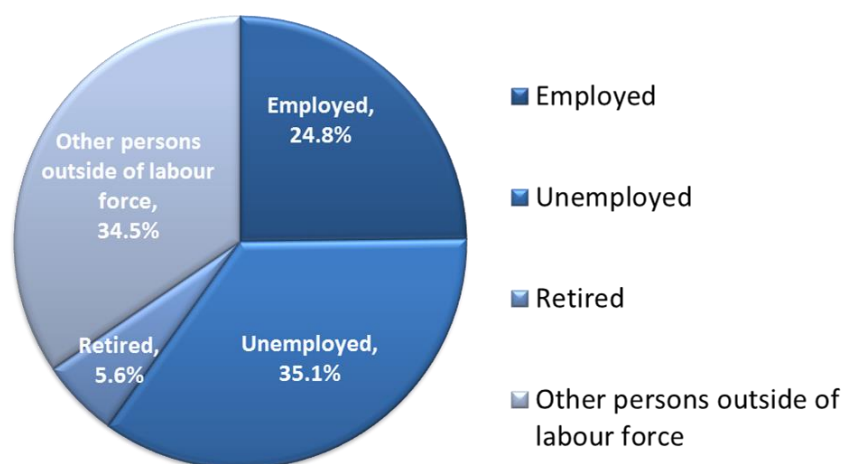
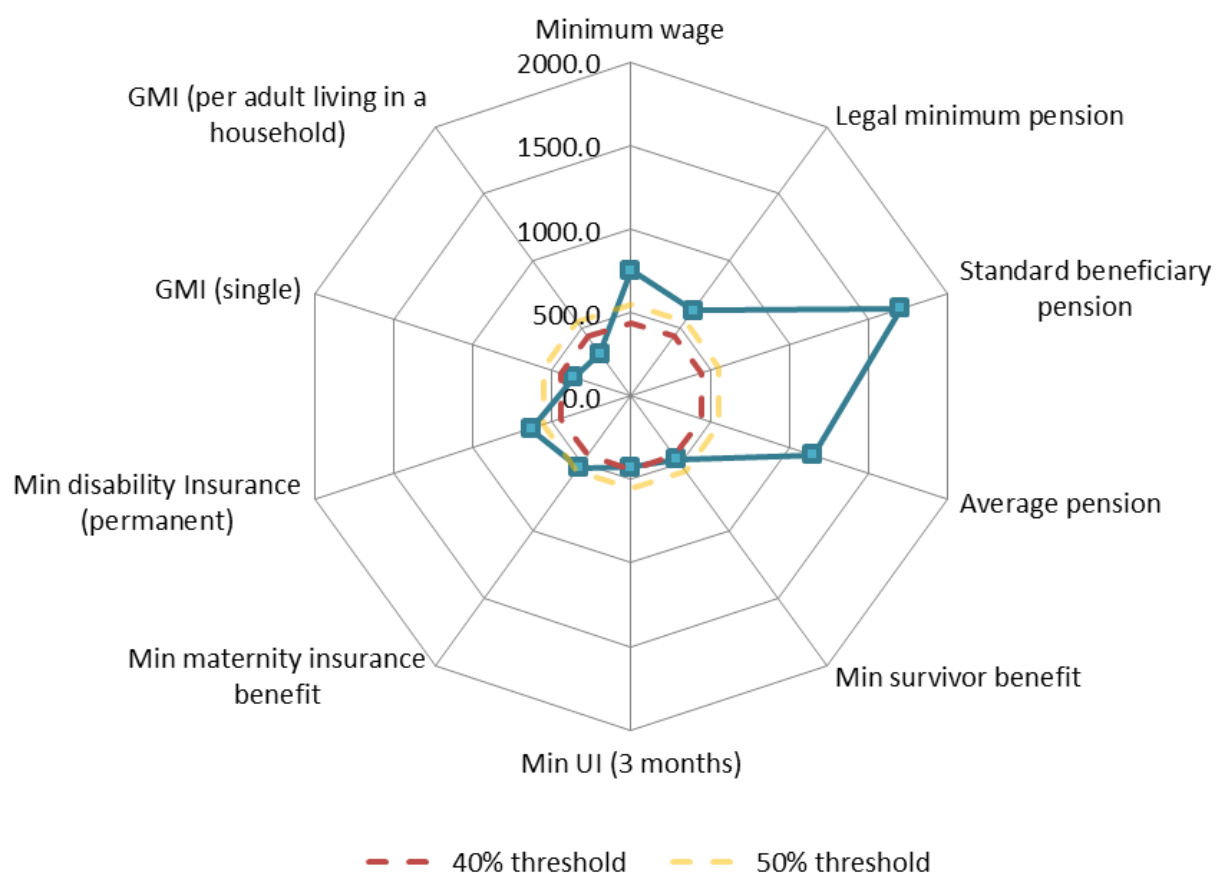
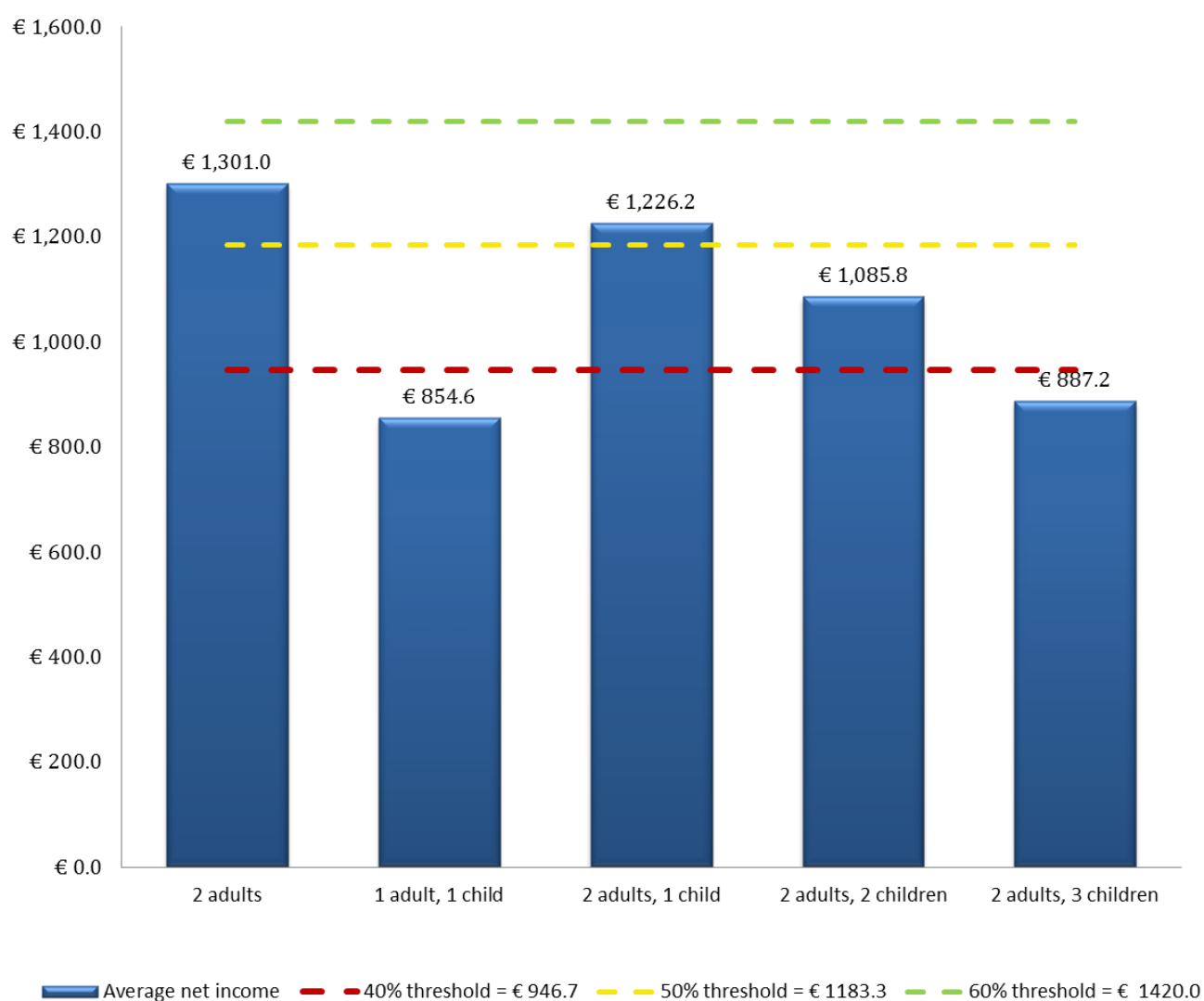


Fig. 3. Social benefits in comparison to Eurostat 40% and 50% poverty thresholds, 2014



Benefits/payments	Amount per month	Sources
Minimum wage	€ 752.9	Ministry of Employment and Social Security, 2013
Legal minimum pension	€ 632.9	MISSOC, 2014
Standard beneficiary pension	€ 1702.0	Pension for average case worker, Government Report 2014
Average pension	€ 1146.2	Government Report 2014
Survivor benefit	€ 467.2	MISSOC, 2014
Unemployment insurance benefit (UI - 3 months)	€ 426.0	MISSOC, 2014
Maternity insurance benefit	€ 532.5	MISSOC, 2014
Disability Insurance (permanent)	€ 632.9	MISSOC, 2014
GMI (single)	€ 365.9	MISSOC, 2014
GMI (per adult living in a household)	€ 315.5	MISSOC, 2014
At-risk-of-poverty threshold, 40%	€ 442.2	Eurostat, 2014
At-risk-of-poverty threshold, 50%	€ 552.8	Eurostat, 2014

Fig. 4. Income and poverty indicators by type of household, 2012



(at-risk-of-poverty thresholds for the household with 2 adults and 2 children)

Household composition:	Average net income	At risk of poverty rate (60% threshold)
2 adults	€ 1301.0	15.9 %
1 adult, 1 child	€ 854.6	36.9 %
2 adults, 1 child	€ 1226.2	20.2 %
2 adults, 2 children	€ 1085.8	25.9 %
2 adults, 3 children	€ 887.2	43.6 %

Fig. 5. Comparison of monthly wages and pensions (40% replacement rate) to the Eurostat thresholds in 2013-2014, by decile

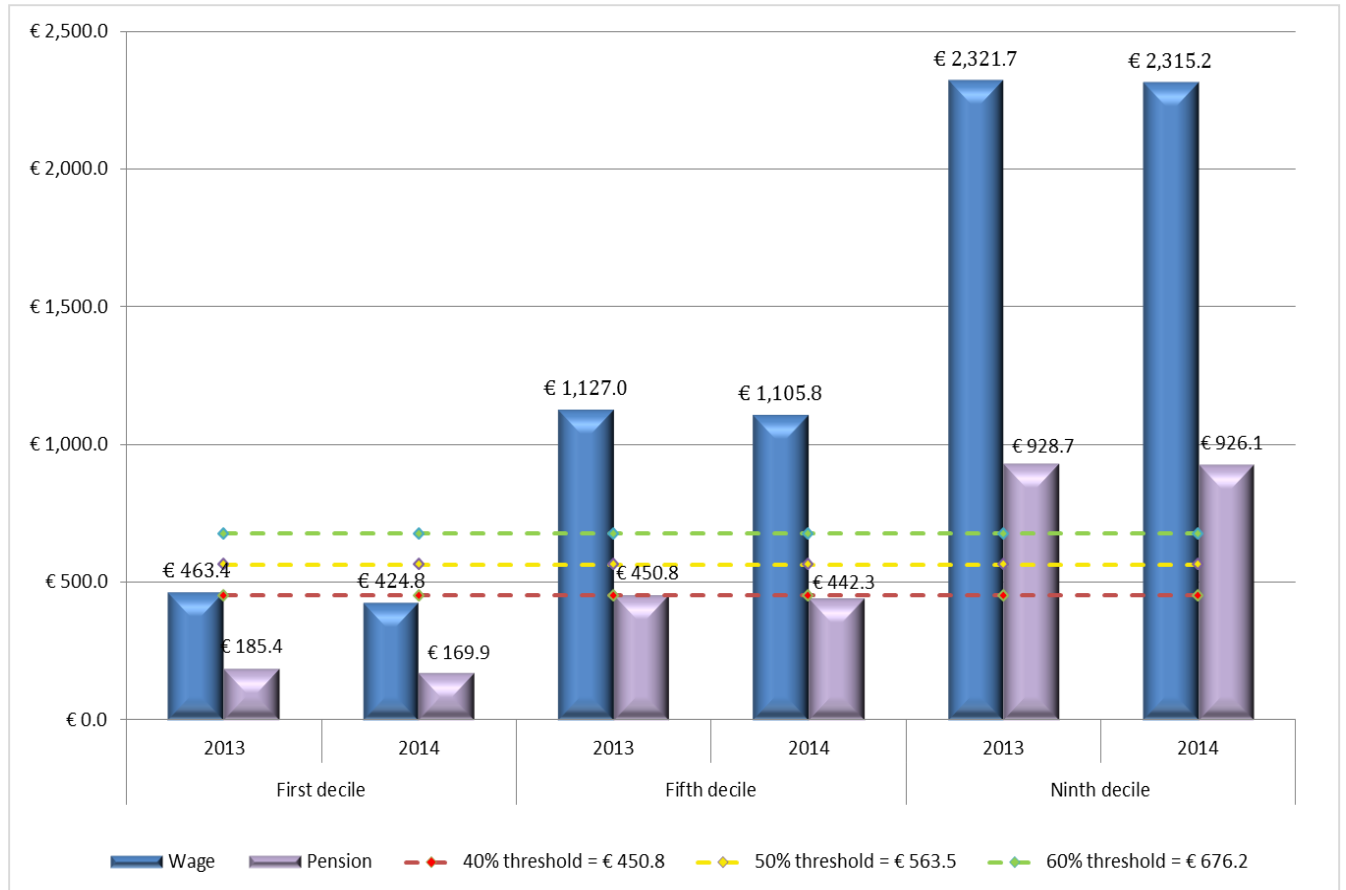
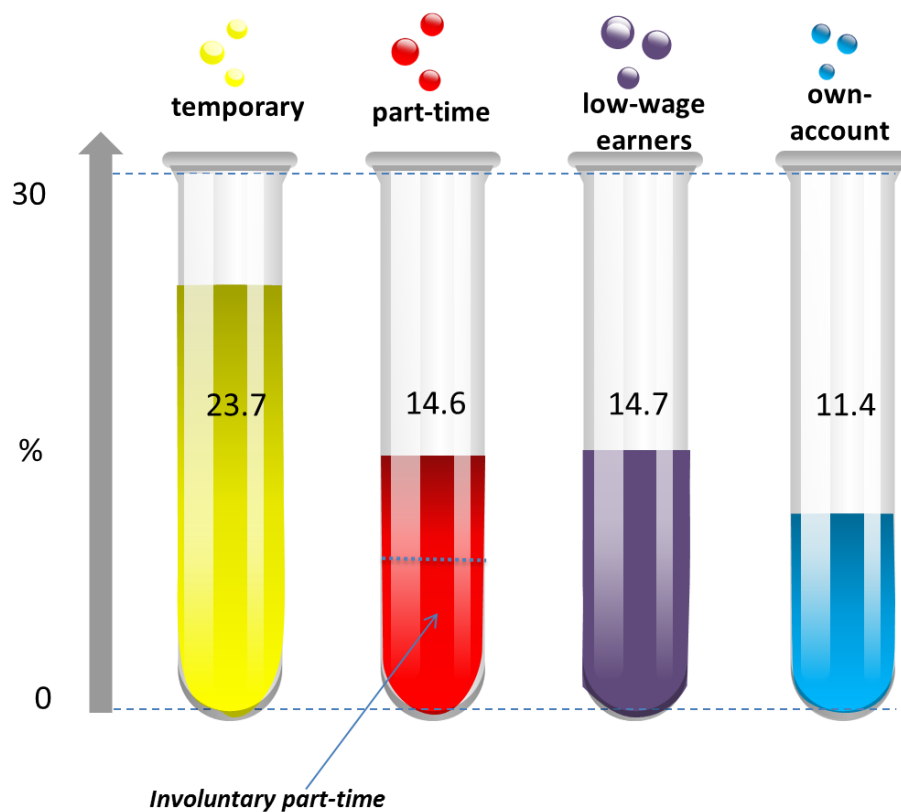


Fig. 6. Test on precarious employment: share of employed population by different job security situation, as % of total employment, 2012



*CHAPTER II. Selection of the Article 65, 66 or 67
under C102/ECSS and determination of the
Standard Reference Wage used for calculating the
replacement level of benefits*

- [Fig. 1. Article 65: Type of social security schemes and method of benefit calculation](#)
- [Fig. 2. Article 66: Type of social security schemes and method of benefit calculation](#)
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- [Extracts from the Government Reports \(2011-2015\) on the ECSS concerning the Reference Wage](#)
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Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

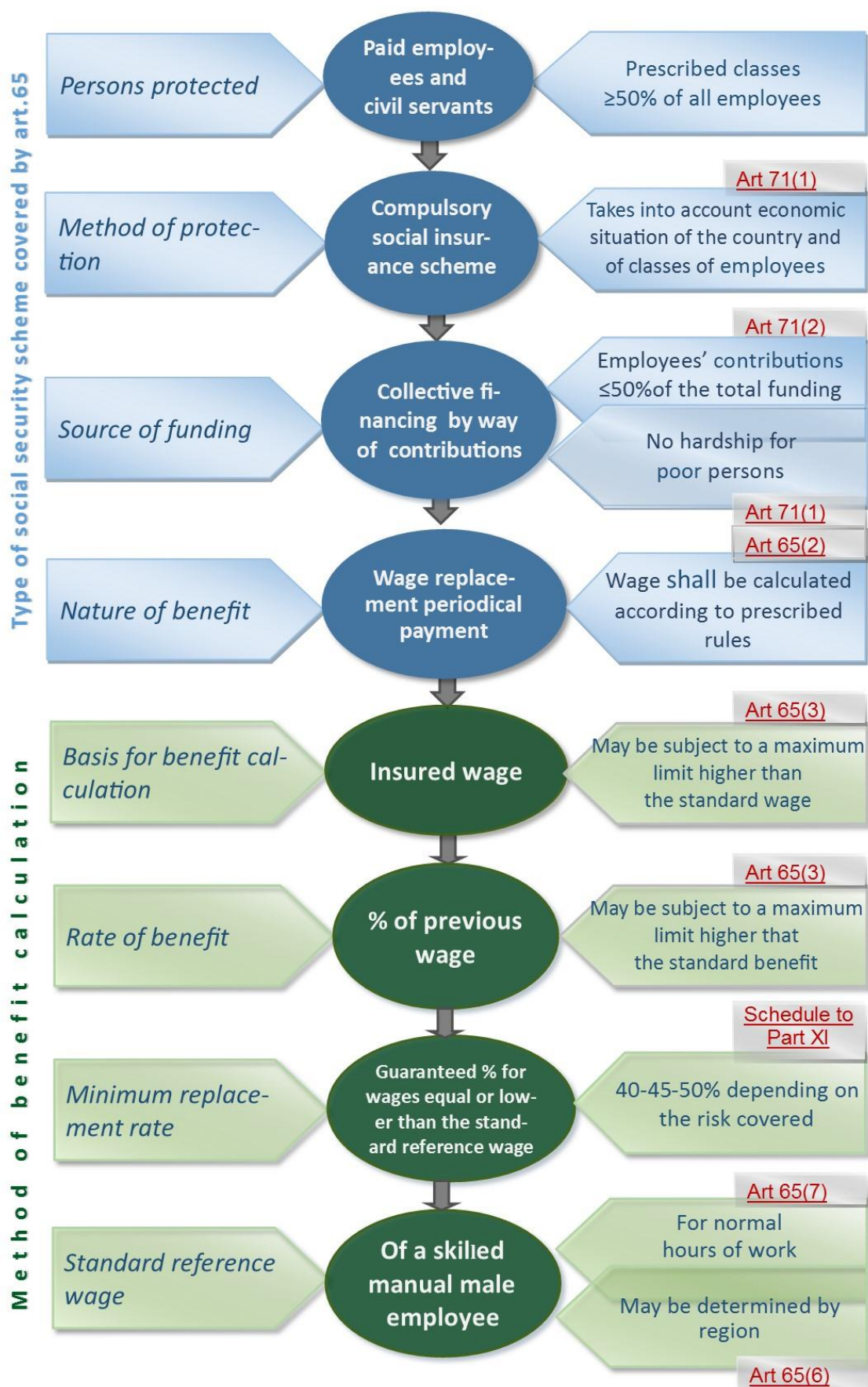


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

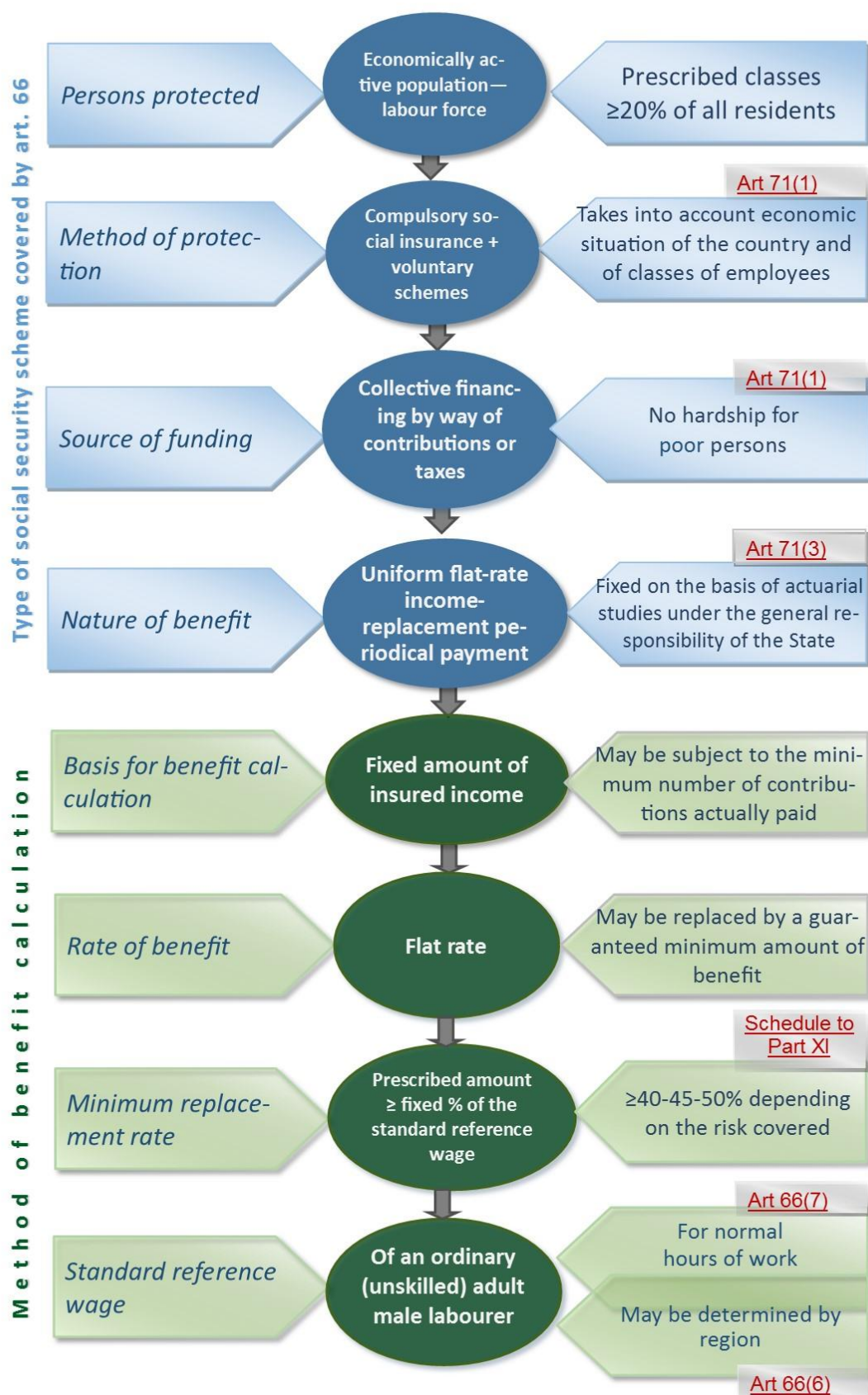
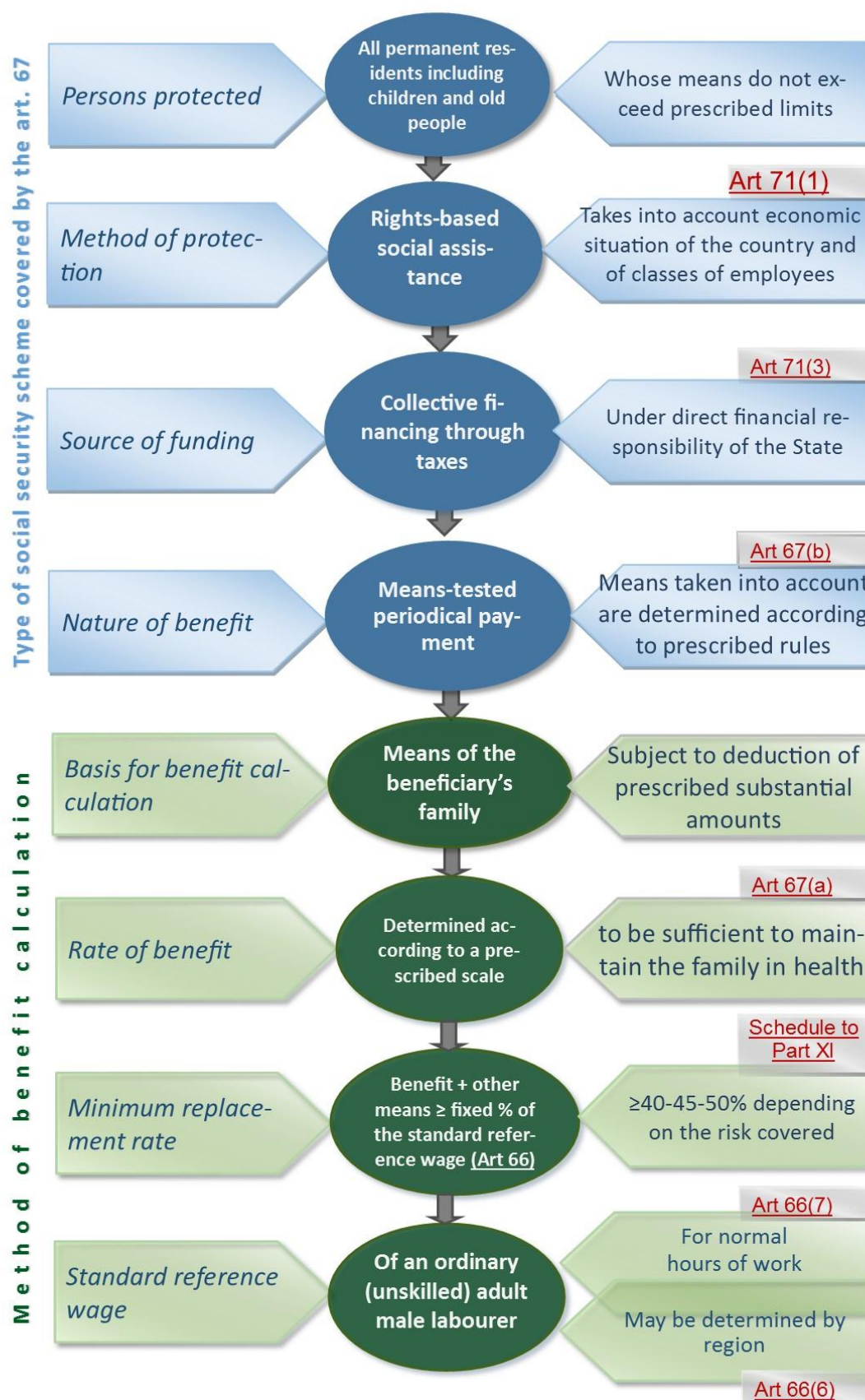


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation



Extracts from the Government Reports (2011-2015) on the ECSS concerning the Reference Wage

20th Report of Spain under Article 74 of the European Code of Social Security and its Protocol (1 July 2014 - 30 June 2015)

Concerning the reference average salary used for the calculation of the social benefits included in the report 20th and previous of the European Social Security Code, it should be highlighted that, in order to determine it, it is started from the definition given in “Part XI of the Code (parameters to be completed with periodical payments) Articles 65 and 66”, which, in its article 65.6.c, provides:

“6. For the purpose of this article, a skilled manual male employee shall be: c) a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected”.

According to this definition, 125% of the average salary earnings of all protected persons, corresponding to paragraph c (total workers and total sectors), has been taken as salary of a male skilled worker (article 65.6). Therefore, the reference salary of article 65.6.c has been obtained as follows:

Wages and salaries (total workers and total sectors) in 2013: 22,653.55 euros/year (pro rata in 12 monthly payments).

Salary equivalent to that of a skilled male worker in 2013 (art. 65.6.c): 28,316.94 euros/year.

This earning has been obtained from the Annual Survey of Labour Costs worked out by the National Institute of Statistics, for the item “wages and salaries”, carried out according to the methodological guidelines of Eurostat. The link of this page is the following:

<http://www.ine.es/jaxi/tabla.do?path=/t22/e132/serie/10/-file=01001.px-type=pcaxis-L=0>

16th Report of Spain under Article 74 of the European Code of Social Security and its Protocol (1 July 2010 - 30 June 2011), Annex p. 5

L'ouvrier qualifié qui a été pris comme référence correspond au paragraphe c) du point 6 de l'article 65 ; il s'agit d'un ouvrier masculin qualifié qui gagne un salaire équivalent à 125 % du revenu moyen de toutes les personnes couvertes. La base de cotisation à la sécurité sociale correspond à ce salaire.

Le revenu moyen des personnes couvertes provient de l'enquête sur les coûts du travail effectuée par l'Institut national de la statistique, qui regroupe les montants correspondant à des paiements ordinaires, c'est-à-dire mensuels, incluant le prorata des primes (13^{ème} et/ou 14^{ème} mois).

La période considérée pour le calcul des revenus précédents qui détermine le salaire de l'ouvrier qualifié correspond à l'année 2009 (moyenne des salaires).

Montant du salaire moyen de l'ouvrier masculin qualifié sélectionné : 2 325,97 euros mensuels, ce qui représente un montant annuel de 27 911,66 euros et un montant journalier de 77,53 euros (salaire brut).

Le salaire net dans l'hypothèse d'une personne sans enfant est de 60,55 euros par jour ou 1 816,35 euros par mois (15,56 % de retenue pour l'impôt sur le revenu des personnes physiques (sigle espagnol : IRPF), et 6,35 % de cotisations de sécurité sociale), ce qui représente un montant annuel de 21 796,22 euros.

19th Report of Spain under Article 74 of the European Code of Social Security and its Protocol (1 July 2013 - 30 June 2014) p. 31-32

The skilled male manual worker used as a reference is the person corresponding to Article 65.6 c), in other words a skilled male manual worker who earns a wage equal to 125% of the average wage of all the protected persons. The Social Security contribution base coincides with this wage.

The average wage of the protected persons has been obtained using the Labour Cost Survey carried out by the National Institute of Statistics, which includes the amounts corresponding to ordinary payments, which refer to monthly payments, including extra wage payments that are calculated on a proportional basis.

The base period referring to the above wage that determines the wage of the skilled male manual worker corresponds to average of wages in 2012.

The amount of the average wage of the skilled male manual worker chosen: 2,357.87 euros/month, or an annual 28,294.45 euros and a daily 78.60 (gross wage). The net wage when there are no children is 60.24 euros/day or 1,807.31 euros/month (17% income tax withheld and 6.35% of Social Security contributions), which makes an annual amount of 21,687.70 euros.

Table 1. Calculation of the reference wage under all options permitted by articles 65-66 of the ECSS/C102

Articles in the ECSS/C.102		Comments	Reference wage: amount	
			ILO calculations ¹ -2010	Government ²
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁴ group with the highest number of male employees: <i>typical skilled male worker in manufacturing</i>	1902 euros ⁵	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used in the economy	2219 euros ⁶ (full-time and part-time employees)	2009: 2 325,97 euros/month 2012: 2,357.87 euros/month Wages and salaries (total workers and total sectors) in 2013: 22,653.55 euros/year (pro rata in 12 monthly payments) Salary equivalent to that of a skilled male worker in 2013 (art. 65.6.c): 28,316.94 euros/year.
Article 66 (para 4): an ordinary male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: <i>typical unskilled male worker in manufacturing</i>	1573 euros ⁷	

* Gross wages are used unless stated otherwise

¹ ILO calculations based on EUROSTAT data from Labour Force Survey LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government under ECSS and C.102

³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow)

<http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008

<http://unstats.un.org/unsd/cr/registry/isic-4.asp>

⁵ Structure of earnings survey (SES) – Eurostat, 2010

http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

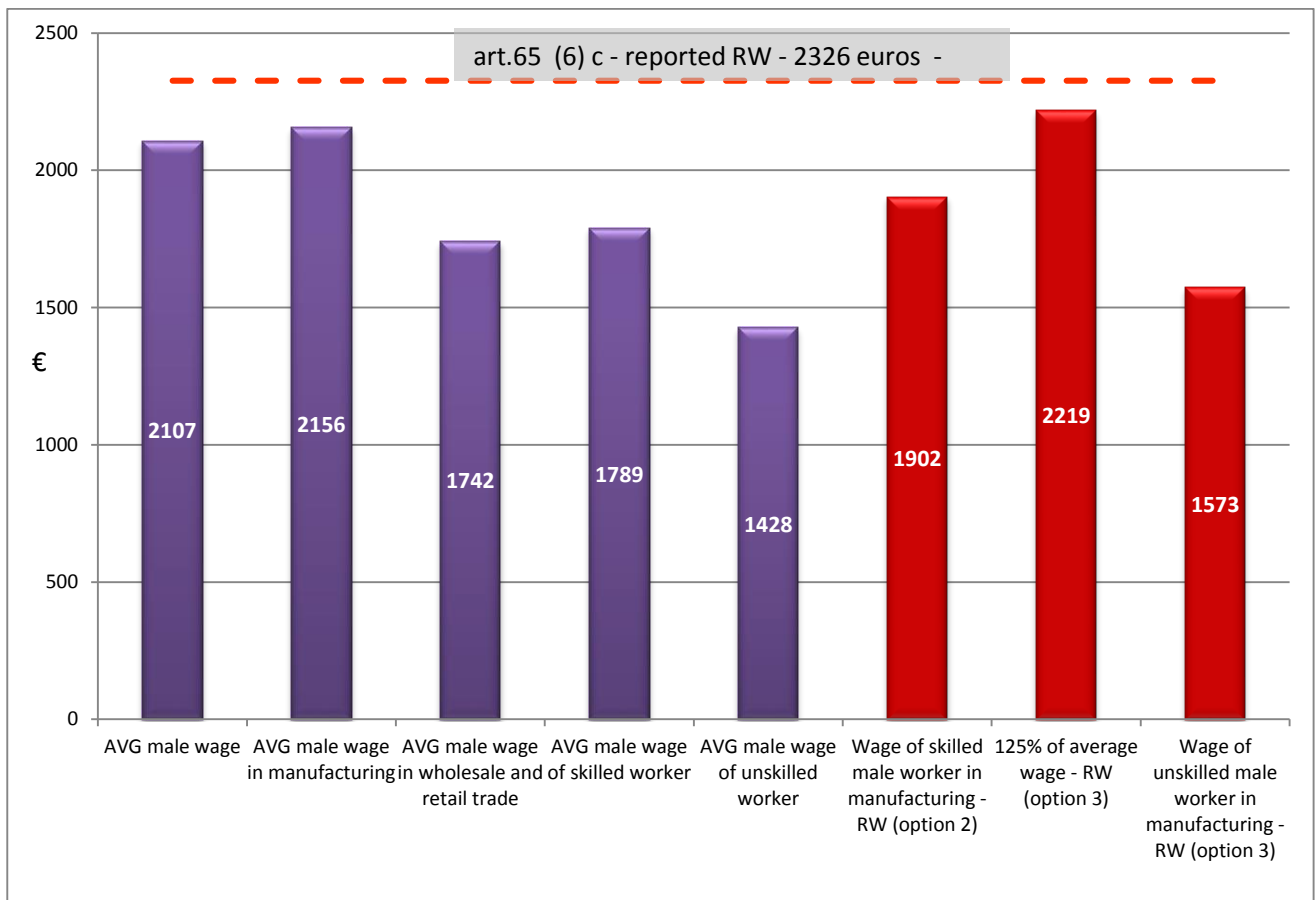
⁶ Structure of earnings survey – Eurostat, 2010

http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en

⁷ Structure of earnings survey – Eurostat, 2010

http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

Fig.4. Comparison of the reported reference wage to other wage indicators in the Spain, 2010



Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en for option 3 – 125% of average wage (working time: include both full-time and part-time employees)

CHAPTER III. Integrated Management of compliance and reporting obligations of Spain under social security provisions of the ratified international treaties on social rights

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- [Coordination of reporting between the ECSS and C102. Form for the annual report on the European Code of Social Security](#)
- [Fig. 1. Time management of the 5 years reporting cycle \(2011-2016/17\) on international and European social security standards](#)
- [Fig. 2. Time management for reporting on social security standards in 2016](#)

Table 1. Up-to-date social security standards in force

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
	<i>Right to Social Security Art.9</i>										
ICECSR	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC 1961	Art.11, 13§1		Art.1§1§3		Art.3§1§2, 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1, 13§1§2§3, 14	
	<i>Right to Social Security Art.12§1§2§3</i>										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing& Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121		C103			C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII

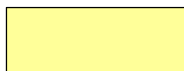


Social Security Standards in force for Spain



Social Security Standards not in force

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
	Right to Social Security Art.9										
ICECSR	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1 Art.4, 5
					CRPD	CRC	CEDAW	CRPD			
UN Conventions											
ESC 1961	Art.11, 13§1		Art.1§1		Art.3§1§2, 15§2	☹️ Art.16	Art.8§1	Art.15§1		☹️ Art.4§1, 14	
			☹️ Art.1§3							Art.13§1§2§3	
	☹️ Right to Social Security Art.12§1										
	Art.12§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121		C103			C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Pending comments of the supervisory bodies



critical comments or non-

Table 2. Pending comments of the supervisory bodies

Table 3. Up-to-date standards on which reports are due in 2016

<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC 1961	Art.11, 13§1		Art.1§1§3		Art.3§1§2	Art.16	Art.8§1	Art.15§1		Art.4§1	
					Art.15§2					Art.13§1§2 §3, 14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121		C103			C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2016

<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC 1961	Art.11, 13§1		Art.1§1§3		Art.3§1§2, 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1	
										Art.13§1§2§3, 14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121		C103			C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2017

Table 4. Up-to-date standards on which reports are due in 2017

Next detailed report of Spain under Article 74 of the ECSS

(Extract from CEACR 2015 Conclusions)

In accordance with the reporting cycle on the Code, in July–August 2016 the Government shall submit a detailed report covering the period of five years from 1 July 2011 to 30 June 2016. In accordance with the reporting cycle on Convention No. 102, in June–August 2016 the Government shall also submit a detailed report for the period from 1 June 2011 to 31 May 2016. The Committee draws the Government's attention to the alignment of the reporting obligations under the Code and Convention No. 102 and to the similarity of the report forms on both instruments, the objective of which is to reduce the administrative workload and avoid duplication of reports. For this purpose, the report form on the Code expressly stipulates that, if a Government is bound by similar obligations as a result of having ratified ILO Convention No. 102, "it may communicate to the Council of Europe copies of the reports it submits to the International Labour Office on the implementation of this Convention". The Committee points out that this simplified procedure can be used next year to report on Parts II, III, IV and VI of the Code. Reversely, the information provided by the Government in its annual reports on the Code is regularly taken into account by the Committee in assessing the application of Convention No. 102.

Furthermore, by 31 October 2016, Spain will also report on the application of the accepted provisions of the European Social Charter 1961 under the thematic group "Health, social security and social protection", which include the right to protection of health (Article 11), the right to social security (Article 12), the right to social and medical assistance (Article 13), and the right to benefit from social welfare services (Article 14). The Committee observes that these articles of the Charter are directly related to many provisions of the Code and ILO social security Conventions and form a single legal space of international social security law. Taking into account that the reference period for the report on the Charter (1 January 2012 to 31 December 2015) falls inside the reference periods for detailed reports on the Code and Convention No. 102, the Government is invited to coordinate the fulfilment of its compliance and reporting obligations under these instruments in order to improve the quality and consistency of the information provided. Such coordination could be extended further to include reporting on the social security provisions of the United Nations human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, for which Spain's periodic report is due in May 2017.

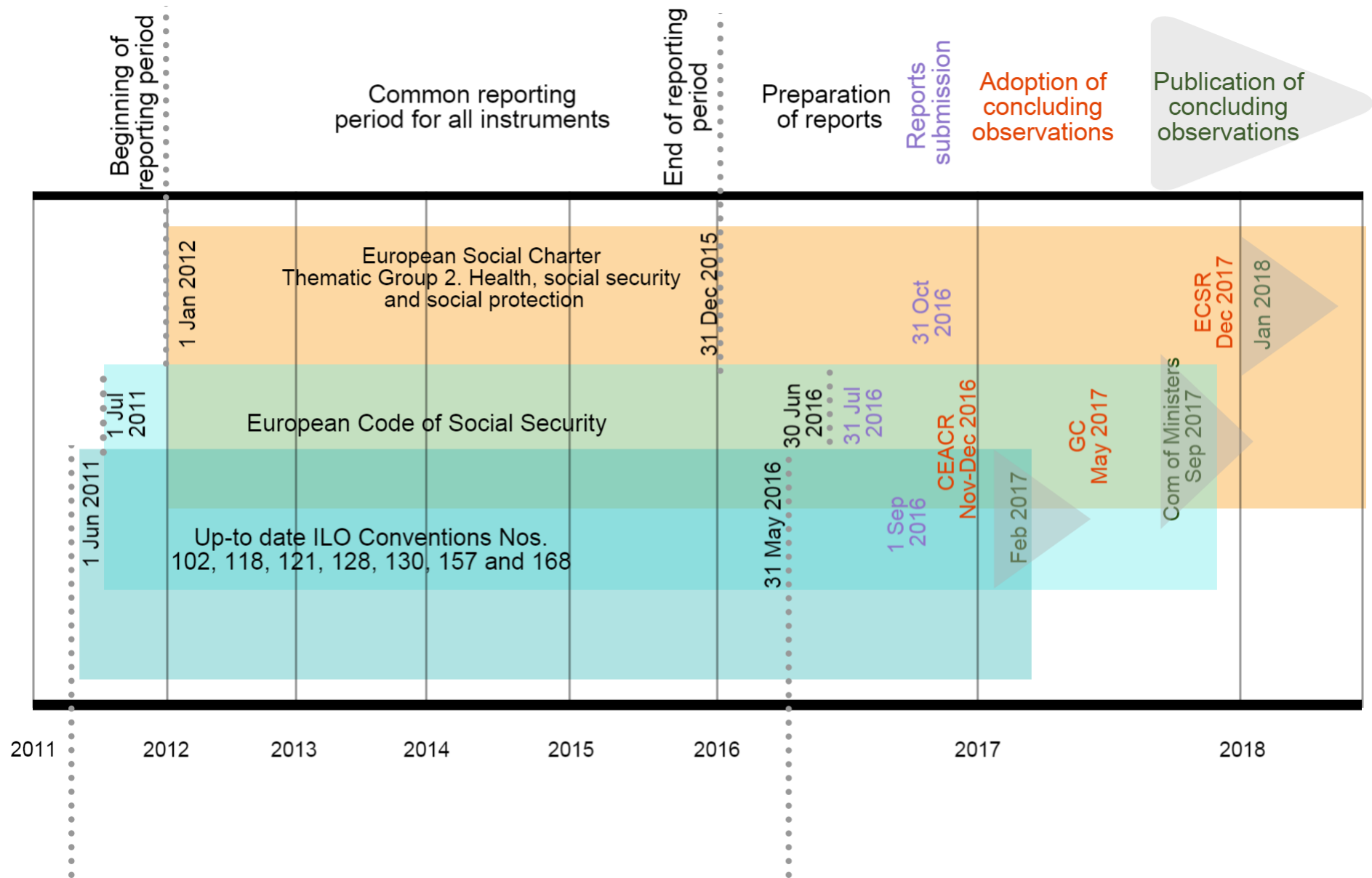
With regard to coordination of compliance obligations, the Committee recalls that, in formulating its country conclusions on the application of the Code, it takes account of the relevant observations made by other supervisory bodies, such as the European Committee of Social Rights and the United Nations Committee on Economic, Social and Cultural Rights. To facilitate the integrated management of Spain's obligations under the social security provisions of the main European and international treaties on social rights, the Committee refers the Government to the coordination tables and reporting timelines presented in the attached ILO technical note, together with the structured compilation of the comments made by their supervisory bodies. The Committee hopes that such a holistic vision will help the Government to apply a rights-based approach to its fiscal consolidation policy and complement it by the legal consolidation of all international obligations binding Spain to the full respect of social security rights.

Coordination of reporting between the ECSS and C102
Form for the annual report on the European Code of Social Security (as modified
by the Protocol additional thereto)

If a Government is bound by similar obligations as a result of having ratified the Social Security (Minimum Standards) Convention adopted by the 1952 General Conference of the International Labour Organisation, it may communicate of the Council of Europe copies of the reports it submit to the International Labour Office on the implementation of this Convention.

Council of Europe, Strasbourg 1967

Fig. 1. Time management of the 5 years reporting cycle (2011-2016/17) on international and European social security standards



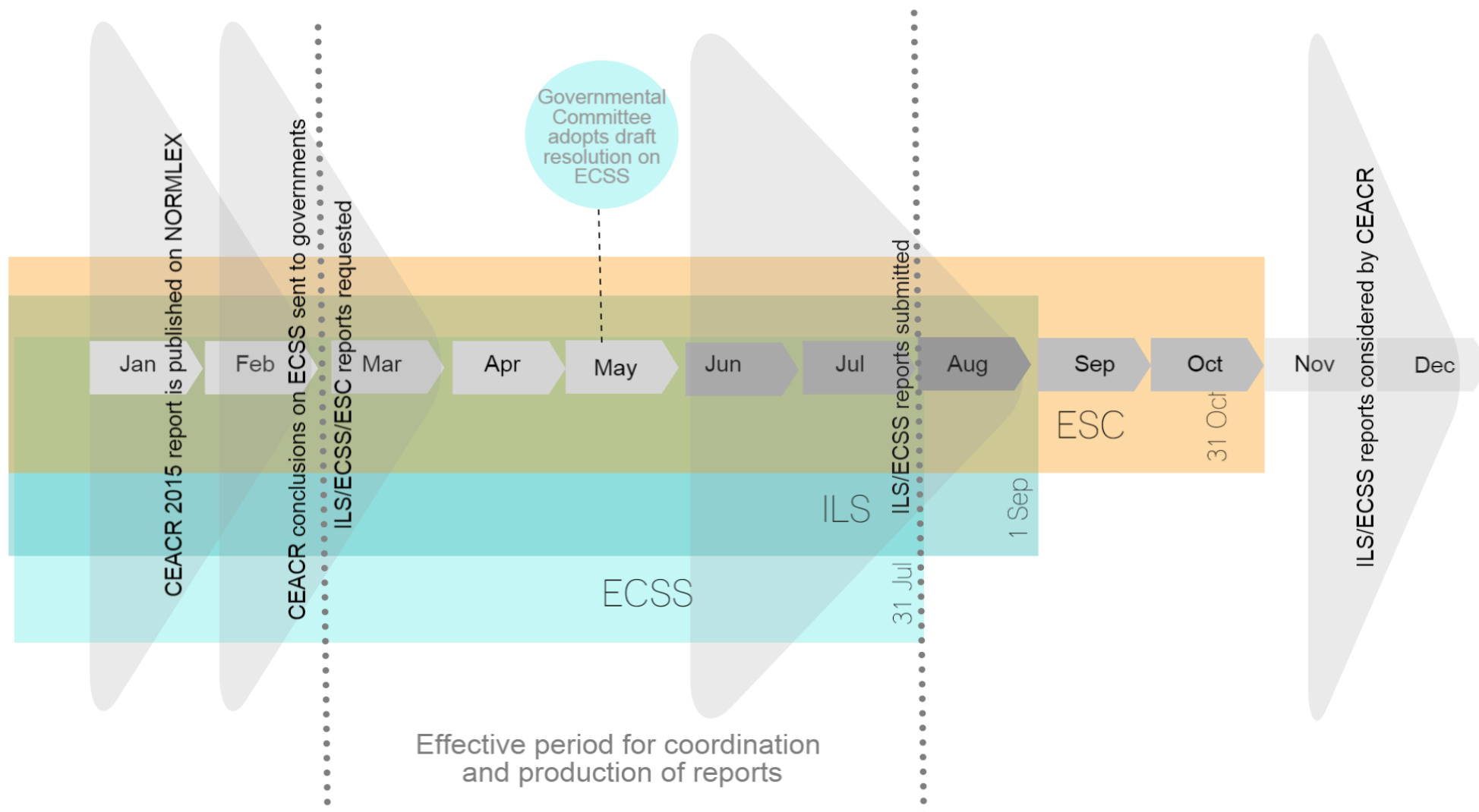


Fig. 2. Time management for reporting on social security standards in 2016

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Spain](#)
- [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)

1. **United Nations**

- [International Covenant on Economic, Social and Cultural Rights](#)
- [Convention on the Rights of the Child](#)
- [Convention on the Elimination of All Forms of Discrimination against Women](#)
- [Convention on the Right of Persons with Disabilities](#)

2. **Council of Europe**

- [European Social Charter](#)
- [European Code of Social Security](#)

3. **International Labour Organization**

- [Social Security \(Minimum Standards\) Convention, 1952 \(No.102\)](#)
- [Maternity Protection Convention \(Revised\), 1952 \(No. 103\)](#)

4. **EU Country-Specific Recommendations: 2015**

Table 1. In force international treaties on social rights ratified by Spain

Body	International Treaty	Entry into force for Spain	Next report due on
United Nations	ICESCR	27 Apr 1977	18 May 2017
	Convention on the Rights of the Child	6 Dec 1990	01 Oct 2015
	Convention on the Elimination of All Forms of Discrimination against Women	5 Jan 1984	Submitted 17 Dec 2013
	Convention on the Rights of People with Disabilities	3 Dec 2007	3 Dec 2017
Council of Europe	European Code of Social Security	9 Mar 1995	1 Jul – 31 Aug 2016
	European Social Charter	6 May 1980	31 Oct 2015
International Labour Organization	Convention 102	29 Jun 1988	1 Jun - 1 Sep 2016
	Convention 103	17 Aug 1965	1 Jun - 1 Sep 2018
	Convention 121		
	Convention 128		
	Convention 130		
	Convention 168		
	Convention 183		
European Union	Country-Specific Recommendation of 14 July 2015		

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

<i>Instrument</i>	<i>Supervisory body</i>	<i>Type of a State party report/Reporting cycle</i>	<i>Comments of the supervisory body</i>
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR); European Committee on Social Rights (ECSR); Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR); Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR); Conference Committee on the Application of Standards (CAS).	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

International Covenant on Economic, Social and Cultural Rights – Concluding observations 2012

(the numeration of comments is kept in accordance to the original)

[*UN Office of the High Commissioner for Human Rights website link, Treaty bodies database*](#)

9. The Committee is concerned that the decentralization of competencies in relation to economic, social and cultural rights has led to disparities in the enjoyment of these rights in the 17 autonomous communities (art. 2, para. 1).

The Committee urges the State party to ensure that disparities between autonomous communities in terms of social investment and cuts in social welfare services do not lead to inequitable or discriminatory enjoyment of economic, social and cultural rights.

10. The Committee is concerned about the reduction in official development assistance, which undercuts the State party's commitment to allocate at least 0.7 per cent of GDP to such assistance (art. 2).

The Committee recommends that the State party redouble its efforts to increase official development assistance to at least 0.7 per cent of GDP, in line with the goals assumed at the international level.

12. The Committee is concerned, particularly in the context of the economic and financial crisis, about the constant rise in unemployment and long-term unemployment rates, which negatively affects a large proportion of the population of the State party, especially young persons, immigrants, gypsies and persons with disabilities, and increases their vulnerability (art. 2, para. 2, and art. 6).

The Committee recommends that the State party strengthen its programmes and adopt effective strategies to reduce unemployment rates and move progressively towards the full realization of the right to work. The Committee recommends that the State party avoid any step backwards in the field of employment, including with regard to the protection of workers' labour rights. The Committee also requests the State party, in its next periodic report, to submit tables of annual statistics on the general employment situation, disaggregated by sex, age, nationality and disability. The Committee further recommends that high-quality vocational training, especially for the long-term unemployed, should continue to be prioritized, taking into account the needs of disadvantaged and marginalized individuals and groups. In that regard, the Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work (art. 6 of the Covenant).

16. The Committee notes with concern that, according to the data made available to it, 21.8 per cent of the population is already living below the poverty line and that the percentage of those at risk of falling into poverty has increased considerably owing to the current economic and financial crisis (arts. 9 and 11).

The Committee strongly recommends that the State party adopt and implement a new and comprehensive national anti-poverty programme. The Committee recommends that

the programme include specific measures and strategies to mitigate the adverse impacts of the current economic and financial crisis and that particular attention be paid to disadvantaged and marginalized individuals and groups. In this regard, the Committee refers the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights (2001).

17. The Committee is concerned that, at a time when one in four minors is living below the poverty line, family benefit payments have been drastically cut or even abolished, as in the case of the single lump-sum benefit paid upon the birth or adoption of a child (arts. 10 and 11).

The Committee recommends that the State party review the reforms adopted in the context of the current economic and financial crisis to ensure that all the austerity measures introduced uphold the level of the protection attained in the realm of economic social and cultural rights and that, in all cases, such measures are temporary and proportionate and do not negatively impinge on economic, social and cultural rights.

18. The Committee is concerned that the minimum wage (*salario mínimo interprofesional – SMI*) has been frozen since 2011 at a level that does not allow for a decent standard of living (art. 7).

The Committee recommends that the State party guarantee that the minimum wage (SMI) enables workers and their families to enjoy a decent standard of living and that it is periodically adjusted in line with the cost of living, in accordance with article 7 of the Covenant and the standards of the European Committee of Social Rights.

19. The Committee is concerned at the amendments introduced by Royal Decree-Law No. 16/2012 of 20 April 2012, in particular to the Aliens' Act of 2009, which curtail the rights of immigrants in an irregular situation to have access to public health services (art. 12).

The Committee recommends that the State party ensure that, in accordance with the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant) and the principle of universal health care, the reforms adopted do not limit the access of persons residing in the State party to health services, regardless of their legal situation. The Committee also recommends that the State party assess the impact of any proposed cuts on the access of the most disadvantaged and marginalized individuals and groups to health services.

20. The Committee notes with concern that pensions are in many cases below subsistence level, so that pensioners are at risk of falling into poverty. The Committee is particularly concerned about the situation of women who receive widows' pensions (arts. 9, 10, 11 and 12).

The Committee recommends that the State party review the level of both contributory and non-contributory retirement pensions, with a view to ensuring that all pensioners are guaranteed an adequate standard of living, even in times of economic and financial crisis.

23. The Committee is concerned that no official definition of "homeless person" has as yet been adopted to serve as a basis for compiling disaggregated data on the number of homeless persons so that trends in homelessness can be assessed and appropriate measures developed to address the problem (art. 12).

The Committee recommends that the State party establish an official definition of “homeless person” that is in accordance with the recommendations of the Special Rapporteur on adequate housing and the policy recommendations of the European Consensus Conference on Homelessness, held in Brussels in 2010. It also recommends that the State party compile disaggregated data on the number of homeless persons and the impact of the economic and financial crisis on such persons, with a view to formulating and implementing effective rehabilitation measures.

Convention on the Rights of the Child – Concluding observations 2010:

[*UN OHCHR website link, Treaty bodies database*](#)

Allocation of resources

15. The Committee welcomes the upward trend in budgetary allocations to social sector activities up to 2008, including policies and programmes addressing children and adolescent rights. However, it notes that difficulties in identifying specific allocations for children in the national budget continue to exist. The Committee expresses concern at the absence of children-specific items in the plans and budgets drawn up by the State to address the current crisis which is deeply affecting the State party, with an unemployment rate of some 20 per cent, and 25 per cent of children living in or at risk of poverty. Furthermore, the Committee continues to be concerned at the lack of information on budgetary allocations for children by the autonomous communities.

16. **The Committee urges the State party to take into account the recommendations adopted following its day of general discussion in 2007 on “Resources for the rights of the child - responsibility of States” (see CRC/C/46/3) and:**

(a) Utilize a child-rights approach in preparing the budget of the State and the autonomous communities, by implementing a tracking system for the allocation and use of resources for children throughout the budget, thus providing visibility to investment in children. The Committee recommends developing children-related budgets that identify the amount and proportion spent on children at the national, autonomous and local levels, in order to evaluate the impact and effect of expenditures on children.

(b) Ensure that priority budget lines for children are protected from changes in resource levels in overall budget priorities, and more specifically, that budgetary lines referring to affirmative social measures in favour of children requiring such action are protected, even in times of crisis.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2015

[*UN OHCHR website link, Treaty bodies database*](#)

Employment

28. The Committee is concerned that the austerity measures introduced in response to the economic and financial crisis have had a severe and disproportionate impact on women, in particular women with disabilities, older women and women domestic workers. Women have faced unemployment, cuts and reductions in social security and dependent care, wage freezes, transformation of full-time into part-time jobs with overtime hours. It is particularly concerned:

(a) At the persistent gender wage gap (17.8%) which is higher than the average in the European Union, as well as at vertical and horizontal segregation in the labour market, and at the concentration of women in part-time work which adversely affects their career developments and pension benefits; and

(b) At the low representation of women in managerial and decision-making positions and on boards of directors (18.2%) and that the Law on equality of 2007 and Law 31/2014 amending the Corporation Act do not provide sanctions for non-enforcement of the required gender balance in the boards of directors of large companies; and

(c) That the State party has not ratified the International Labour Organization Convention No. 189 (2011) concerning Decent Work for Domestic Workers.

29. **The Committee recommends that the State party:**

(a) Review its legislation and policies in order to promote equal opportunities and equal treatment of women in employment including career opportunities and to limit exposure of women to segregated and precarious work;

(b) Restore the financing of the implementation of the Law 39/2006 on the Promotion of Personal Autonomy and Care for Dependent People;

(c) Continue taking concrete and proactive measures to eliminate the gender pay gap and create more opportunities for women to access full-time employment;

(d) Take measures to achieve women's equal and full participation in decision-making in the economic sphere, in particular in the boards of directors of large companies by introducing mandatory quotas;

(e) Adopt temporary special measures to accelerate the equal participation of women from disadvantaged groups, including migrant women, Roma women, single mothers, older women and women with disabilities in the labour market, and undertake comprehensive studies on the employment and working conditions of those groups of women, with recommendations for enhancing their effective participation in the labour market; and

(f) Improve the positions of domestic workers with a view to ratify ILO No. 189 (2011) concerning Decent Work for Domestic Workers.

Convention on the Right of Persons with Disabilities – Concluding observations 2011

[UN OHCHR website link, Treaty bodies database](#)

Right to work (art. 27)

45. Despite a number of enabling provisions to keep persons with disabilities in employment, the Committee is concerned with the overall low rate of employment of persons with disabilities.

46. **The Committee recommends that the State party develop open and advanced programmes to increase employment opportunities for women and men with disabilities.**

2. Council of Europe

European Social Charter

[*Official website of the European Social Charter, link to conclusions*](#)

Article 1 – Right to work – Conclusions 2012

Paragraph 1 - Policy of full employment

Employment situation

The Committee notes from Eurostat that GDP growth rate in Spain decreased from 3.5% in 2007 to -0.1% in 2010, below the EU-27 average (2.0% in 2010). The Spanish economy was severely hit by the crisis and went through a sharp adjustment in 2008-2009. Real GDP fell by 4.3% between the beginning of 2008 and the end of 2010. As a result of the crisis, the employment rate declined to 58.6% in 2010 (from 65.6% in 2007), and unemployment rose to 20.1% (from 8.3% in 2007), the highest rate among the EU-27 countries. Young persons bore much of the brunt of the Spanish recession, with youth unemployment rising to 41.6% in 2010 (up from 18.2% in 2007). As regards the long-term unemployment rate (as a percentage of all unemployed persons), it amounted to 36.6% in 2010, slightly below the EU-27 average (39.9% in 2010). The above statistical information shows a different picture from the one in the last assessment of the situation (Conclusions XIX-1), where Spain was going through steady economic growth, and unemployment levels showed decreasing trends. The Committee notes that the labour market situation has deteriorated during the reference period as a result of the economic crisis, as shown by the increase in the unemployment rate, including the sharp increase in the unemployment of young people, a particularly vulnerable group.

Employment policy

The Committee notes from Eurostat that the activation rate in Spain, that is, the number of participants in active measures per 100 persons wanting to work, was 55.2% in 2009. This was considerably above the EU-27 average that year, which stood at 28.9%. The Committee notes that a high level of unemployed receive active support, but nevertheless asks the next report to provide information on the different active labour market measures available to jobseekers, the number of beneficiaries for each type of measure and their outcome in terms of labour market integration of participants. According to Eurostat, public expenditure on active labour market policies in Spain amounted to 0.78% of GDP in 2009, which was exactly the average of the EU-27 countries that year for financing of active labour market policies. The Committee recalls that labour market measures should be targeted, effective and regularly monitored. It asks if any monitoring of the effectiveness of the measures set out in the above-mentioned programmes and reforms has been undertaken, and in the affirmative, the results thereof.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Spain.

Occupational accidents and diseases

In its previous conclusion (Conclusions XIX-2, 2009), the Committee noted that even though the standardised rate of incidence of serious accidents (involving a minimum 4 days' absence from work) and that of fatal accidents at work had dropped during the reference period, these rates were still high, exceeding the average in other EU countries over the period under consideration (2005-2007). For this reason the Committee concluded that the situation in Spain was not in conformity with Article 3§2 on this point.

The Committee notes that over the period 2008-2010, according to data provided by Eurostat, the number of work accidents (excluding traffic accidents and accidents on board transport during working hours) further decreased. In particular, these data show that serious accidents totalled 546 732 in 2008 and 356 709 in 2010 (in 2006, accidents of this type had totalled 663 182). The standardised rate of incidence per 100 000 workers, which had stood at 4 782 in 2008, consequently fell to 3 466 in 2010 (it had been 5 533 in 2006). The Committee notes here that during the aforementioned period the average in EU countries (EU-27) was 2 269 in 2008 and 1 582 in 2010. In Spain, still according to Eurostat, 309 fatal accidents took place in 2008 and 185 in 2010 (in 2006 there had been 395 fatal accidents). The standardised rate of incidence, which had been 2.62 in 2008, thus decreased to 1.76 in 2010 (during the previous reference period the standardised rate of incidence had been between 3.2 and 3.5). The Committee notes that in this field the average for EU-27 countries was 2.36 in 2008 and 1.87 in 2010.

The downward trend in work accidents over the reference period is confirmed by the report, which – drawing on data published by the Ministry of Employment and Social Security – points out that 859 679 accidents with work absences were registered in 2008 and 645 954 in 2010; the corresponding standardised rate of incidence was 5 069 in 2008 and 3 870 in 2010. The following data were provided on fatal accidents (during working hours): 810 accidents in 2008, 569 in 2010, with a standardised rate of incidence of 5.1 in 2008 and 3.9 in 2010.

Beyond the differences in the data taken into account by Eurostat and the Spanish authorities, the Committee notes that during the reference period the number of work accidents in Spain has been constantly decreasing. In this connection, it notices that in 2010, the standardised rate of incidence of fatal accidents was below the average in the other EU-27 countries; furthermore, it takes note of the positive developments registered during the reference period in connection with accidents requiring absence from work. Nevertheless, the Committee sees that in 2010 the standardised rate of incidence of serious accidents was still twice as high as the average for EU-27 countries.

In view of the diversity of trends registered during the reference period in relation to the different types of work accidents, and in order better to assess the developments registered during its recent conclusions, the Committee reserves its position on this point. It requests that the next report provide a full summary table of the data on serious and fatal accidents.

Conclusion

Pending receipt of the information requested the Committee defers its conclusion. The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by Spain under the Charter. The Government consequently has an obligation to provide the requested information in the next report on this provision.

Paragraph 3 - Free placement services

The report mentions some changes to the public employment services, namely the hiring of an additional 1,500 placement counselors to reinforce the network of employment offices. It also states that the prohibition on the operation of private profit-oriented placement agencies has been lifted. The current report however fails to provide some of the previously requested

information which is needed to assess the situation. The Committee recalls that in order to assess the effectiveness of employment services it looks at a number of performance indicators, such as the number of vacancies notified to employment services, the number of placements made by these services and the average length of time in filling vacancies. As the report contains no information on these matters, the Committee considers that there is nothing to show that employment services are operated in an efficient manner.

Moreover, the Committee notes from another source that the matching of people to jobs in Spain, notably through the public employment services, needs to be made more efficient. The same source considers that despite the recent reform which allows private for-profit firms to provide placement services, more needs to be done, and that the performance of regional public employment services should be benchmarked.

Conclusion

The Committee concludes that the situation in Spain is not in conformity with Article 1§3 of the 1961 Charter on the ground that it has not been established that free placement services operate in an efficient manner.

Article 3 - Right to safe and healthy working conditions – Conclusions 2013

Paragraph 1 - Safety and health regulations

The report explains that Royal Decree No. 1124/2000 amending Royal Decree No. 665/1997 on the protection of workers against risks linked to exposure to carcinogens at work, in paragraph 5 of its single Article in Appendix III, sets out the limit values for exposure to benzene, which coincide with the limit values set out in Appendix III to Directive 2004/37/EC. In connection with measures to prohibit the use of benzene in line with ILO Convention No. 136, the report refers to the provisions of Royal Decree No. 665/1997 on the protection of workers against risks linked to exposure to carcinogens and the statutory amendments thereto. The Committee understands that these provisions are in conformity with ILO Convention No. 136 – which Spain ratified on 8 May 1973 – and consequently requests that the next report clarify the content of the aforementioned measures and explicitly confirm the conformity of these provisions with ILO standards.

As noted in the previous conclusion, the regulations on protection against ionising radiation adopted under the terms of Royal Decree No. 738/2001 transposed Directive 96/26/EURATOM into domestic law. The Committee notes that Royal Decree No. 1439/2010 amending the aforementioned regulations was adopted during the reference period. The Committee requests that the next report provide further details on the amendments made under Royal Decree No. 1439/2010 to the above-mentioned regulations.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Spain is in conformity with Article 3§1 of the 1961 Charter.

Paragraph 3 - Consultation with employers' and workers' organisations on safety and health issues

The report states that, as laid down in SESST Objective 3, the role of the social dialogue partners was reinforced and that this reinforcement was based, inter alia, on amending Article 39§1 of the aforementioned law, which stipulates that the choice of mode of organisation of the enterprise and, where appropriate, the management methods of any specialised bodies with which the enterprise has agreed to implement preventive activities must be debated by the

Health and Safety Committee before their implementation, including their impact on the risk prevention system.

Conclusion

The Committee concludes that the situation in Spain is in conformity with Article 3§3 of the 1961 Charter.

Article 4 - Right to a fair remuneration – Conclusions 2014

Paragraph 1 - Decent remuneration

The report states that Law No. 35/2010 of 17 September 2010 on urgent measures to reform the labour market amended Article 26, paragraph 1 of the Workers' Statute (TRLET) with a view to extending the payment of wages in kind, provided that they do not exceed 30% of the remuneration, and that the amount paid in cash is equal to the minimum interprofessional wage (SMI). Moreover, Royal Decree No. 1888/2011 of 30 December 2011, setting the SMI for 2012, kept the gross SMI at €641.40 per month (€8 979.60 over 14 months).

The report also indicates that the minimum gross annual remuneration for 2012 was €16 451.96 (€1 371.00 per month over 12 months) for civil servants in the Ministry of Defence. The figure was €12 719.59 (€1 059.97 per month over 12 months) for contractual staff in the above Ministry, whose remuneration, in accordance with section 27 of the Basic Status of Public-sector Employees Act of 12 April 2007 (No. 7/2007) (EBEP), is governed by labour legislation, collective agreements and employment contracts.

According to EUROSTAT data for 2012 (table "earn_nt_net"), the average annual earnings (100% of average single workers without children) were €25 894.23 (€2 157.85 per month over 12 months) gross and €19 975.06 (€1 664.59 per month over 12 months) net of social contributions and tax deductions, and the SMI as a proportion of average earnings (table "earn_mw_avgr2") was 34.70%.

The Committee notes the UN Committee on Economic, Social and Cultural Rights' concern (Concluding Observations of 6 June 2012, §§16 and 18) about the SMI being frozen at a level that does not allow for a decent standard of living, 21.80% of the population living below the poverty line, and the percentage of those at risk of falling into poverty having increased considerably due to the economic and financial crisis.

In the light of the report and the EUROSTAT data, the Committee notes that the minimum wage of tenured civil servants is above the limit of 60% of the net average wage. It also notes that after social security contributions and income tax, the SMI as well as the minimum wage of contractual staff are below the minimum threshold set at 50% of the net average wage, and are therefore manifestly unfair within the meaning of Article 4§1 of the 1961 Charter. It asks that the next report contain information on the coverage rate by collective agreements applied in the private and public sectors as well as on agreed minimum wages. It also asks for information on the minimum remuneration applicable to the economically dependent self-employed workers covered by section 11 and what follows in the Self-employment Regulation Act of 11 July 2007 (No. 20/2007).

Conclusion

The Committee concludes that the situation in Spain is not in conformity with Article 4§1 of the 1961 Charter on the grounds that:

- the minimum wage for workers in the private sector does not secure a decent standard of living;

- the minimum wage for contractual staff in the civil service does not secure a decent standard of living.

Article 8 - Right of employed women to protection of maternity – Conclusions 2015

Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by Spain.

Right to maternity leave

The Committee previously noted (Conclusions XIX-4 (2011)) that Section 48.4 of the Royal Decree on the Workers' Statute provides for 16 weeks of maternity leave for employed women, with an additional two weeks by child in case of multiple births. The employee concerned can decide how to distribute her leave before and after birth. She can also relinquish part of her maternity leave taken after birth to the father, provided that the compulsory six-week postnatal period is taken by the mother. The same regime applies to women employed in the public sector (Section 49, Basic Statute of Civil Servants Act 2007). The Committee notes that this situation, which it found to be in conformity with Article 8§1 of the 1961 Charter, has not changed.

Right to maternity benefits

According to Royal Decree 295/2009, maternity benefits correspond to 100% of the contribution basis constituted by the wage received in the month preceding maternity leave, up to a ceiling of €3425.70 monthly in 2013. The benefit is granted for the whole duration of maternity leave.

All workers are entitled to maternity leave cash benefits, whether employees or self-employees, if they are affiliated to any social security scheme and have made the contributions required, namely:

- No minimum contribution period is required for employed women below the age of 21;
- Employed women between the age of 21 and 26 need to have contributed 90 days in the 7 previous years or, alternatively, 180 days during their whole career;
- Employed women above 26 years of age need to have contributed 180 days in the 7 previous years or alternatively 360 days during their whole career;
- In the case of part-time workers, contributions are calculated according to the number of hours worked, by calculating their equivalence in theoretical contribution days.

The Committee previously found this system to be in conformity, insofar as periods of unemployment are considered as periods of employment for the purposes of maternity benefit (Conclusions XVII-2 (2005)).

The Committee notes from MISSOC database that women who do not qualify for the contributory maternity allowance are nevertheless entitled to a non-contributory maternity allowance, corresponding to 100% of the IPREM (Public Income Rate of Multiple Effects, Indicador público de renta de efectos múltiples) during 42 days, up to 56 days in certain cases (€532.51 per month or €17.75 per day, according to Escobedo, Meil and Lapuerta (2014) Spain country note, in P.Moss (ed.) International Review of Leave Policies and Research 2014, available on Leavenetwork.org).

The Committee refers to its Statement of Interpretation on Article 8§1 (Conclusions XX-4 (2015)) and asks whether the minimum rate of maternity benefits corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

Conclusion

The Committee concludes that the situation in Spain is in conformity with Article 8§1 of the 1961 Charter.

Article 11 Right to protection of health – Conclusions 2013

Paragraph 1 - Removal of the causes of ill-health

Right of access to health care

The Committee recalls that the right of access to health care also requires that the arrangements for access to care must not lead to unnecessary delays in its provision. The report states that Royal Decree 1039/2011 of 15 July lays down the framework criteria for ensuring a maximum waiting period for access to health services under the National Health System. The Committee takes note of this legislative basis but asks for specific data on average waiting times for hospital treatment and for initial primary care consultations so as to show that access to health care is possible within reasonable timeframes.

In addition, the report supplements the description of the general legal framework and the reforms to it with a specific reference to Royal Legislative Decree 16/2012 of 20 April on urgent measures to guarantee a sustainable national health system and improve the quality and security of care and Royal Decree 1192/2012 of 3 August, which regulates the status of insured persons and beneficiaries for publicly funded health care in Spain through the national health system. However, the Committee notes an amendment in Article 1 of the said Royal Legislative Decree 16/2012 (which the report states is supplemented by Royal Decree 1192/2012), which has the effect of denying foreigners irregularly present in the country access to health care except in “special situations” (emergency resulting from serious illness or accident; care for pregnant women, both prenatal and postnatal; foreign minors aged under 18 years) From this point of view, the Committee considers that this denial of access to health care for adult foreigners (aged over 18 years) present in the country irregularly is contrary to Article 11 of the Charter.

Despite the regressive legislative developments concerning access to health care by foreigners irregularly present in the country mentioned above, as these have been adopted outside the reference period (2008-2011), the Committee is unable to take them into account in the present conclusion. However, if such legislation is maintained, there will be nothing to show in the next cycle that the situation is in conformity with the Charter.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Advisory and educational facilities

The Committee requests that the next report indicate how health education in schools is included in curricula (separate subject or part of other subjects) and what it involves.

The Committee asks whether free medical check-ups are conducted throughout children’s school education, as well as how frequently they take place, what their objectives are and what proportion of pupils are concerned.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Spain is in conformity with Article 11§2 of the 1961 Charter.

Paragraph 3 - Prevention of diseases and accidents

According to the report, the prevention of epidemic diseases comes under the development of national capacities to meet the requirements of the 2005 International Health Regulations and the EU's various early warning and response and epidemiological monitoring systems.

A national drug strategy for 2009-2016 has been drawn up and approved. It is a framework approved by all parties for establishing public policies and anti-drug measures at state level. The Committee asks to be kept informed of the implementation of the strategy and, in particular, its impact on drug taking.

The report states that the immunisation coverage rate for children is high (at least 95%). The Committee requests that the next report indicate all the vaccines included in the national immunisation programme (not only the main series), the criteria for inclusion in the programme and the coverage rate for each vaccine. 18

Conclusion

The Committee concludes that the situation in Spain is in conformity with Article 11§3 of the 1961 Charter.

Article 12 Right to social security – Conclusions 2013

Paragraph 1 - Existence of a social security system

Risks covered, financing of benefits and personal coverage

The Committee requests that the next report provide the detailed information concerning the personal coverage of social security risks. For healthcare, the report should provide the percentage of covered persons out of the entire population. For income-replacement benefits (unemployment, sickness, maternity and old-age), the report should provide the percentage of insured individuals out of the total active population.

Adequacy of the benefits

The Committee notes that in 2011 50% of the Eurostat median equivalised annual income stood at € 6 258.

As regards old age pension, the Committee notes that the number of pensioners as well as the amount of the average pension has been rising in the period 2008-2011. According to the report, the levels increase at a higher rate than CPI which indicates that the purchasing power of pensions has increased.

As regards the minimum contributory pension, it was raised by 5,5% in 2010 and by 2,91% in 2011. Its annual level, for the single person stood at € 8 419 in 2011. The Committee notes that the level is adequate.

As regards unemployment benefit, in its previous conclusion the Committee held that the level of this benefit was inadequate. It notes from from MISSOC that the the minimum level of benefit is set at 107% of the IPREM (public income indicator used as a reference amount for calculation of benefits) for the unemployed with dependent children and 80% of the IPREM for single unemployed persons.

As regards sickness benefit , in its previous conclusions XVII-2 and XV-2 the Committee noted that it fell below 50% of the median equivalised income and asked whether additional benefits were paid to a person earning the minimum level of sickness benefit.

The Committee notes from the report of the Governmental Committee to the Committee of Ministers (TS-G (2011) 2 §83-85) that calculated on the basis of the average salary of the manual worker, sickness benefit would amount to €32 until the 20th day of sickness (60% of

the salary) and to €40 from the 21st day (75% of the salary). The Committee notes from the report that for cases where the reference to the minimum wage has been replaced by the reference to IPREM pursuant to the provisions set out in the Royal Decree No 3/2004, the annual amount of IPREM was set 20 at € 7 455.14. Therefore, the Committee will take this amount into account in calculating the minimum levels of benefits. The example given of a manual worker cannot be used in the assessment of the situation as his/her salary does not represent the minimum base on which the minimum benefit is calculated. Regarding unemployment benefit, the Committee notes from the Governmental Committee report that the minimum contributory unemployment benefit is supplemented by the additional payment made by the social security managing bodies which is equivalent to the employer's and employee's social security contributions. According to the representative of Spain, in 2010 gross minimum unemployment benefit amounted to € 497 per month and the social security contributions amounted to € 187, totalling € 684 per month.

The Committee notes that 50% of the Eurostat median equivalised income stood at € 543 in 2010. Therefore, it holds that the minimum level of unemployment benefit was adequate. For 2011, the Committee notes that the minimum level of unemployment benefit calculated on the basis of 80% of the IPREM value stood at € 497 per month. With the additional payment, this level stands above 50% of the Eurostat median equivalised income. The Committee requests that the next report provide information about the IPREM base used to calculate the minimum levels of benefits and any additional payment, made to persons receiving the minimum level of unemployment benefit. As regards sickness benefit, the Committee notes that it amounted to 60% of the IPREM and stood at € 4 473. The Committee holds that it falls below 40% of the median equivalised income and is therefore manifestly inadequate.

The Committee asks what are the minimum levels of invalidity and maternity benefits.

Conclusion

The Committee concludes that the situation in Spain is not in conformity with Article 12§1 of the Charter on the ground that the minimum level of sickness benefit is manifestly inadequate.

Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the International Labour Convention No. 102

Spain has ratified the European Code of Social Security and its Protocol on 8 March 1994 and has accepted parts I-VI, VIII, IX, XI, XII, XIII, IX, and XIV of the Code. The Committee notes from Resolution CM/ResCSS(2012) 15 of the Committee of Ministers on the application of the European Code of Social Security and its Protocol by Spain (period from 1 July 2010 to 30 June 2011) that the law and practice in Spain continue to give full effect to the parts of the Code which have been accepted, as amended by the Protocol. In so doing, Spain maintains a social security system that meets the requirements of ILO Convention No. 102.

Conclusion

The Committee concludes that the situation in Spain is in conformity with Article 12§2 of the 1961 Charter.

Paragraph 3 - Development of the social security system

The Committee takes note of the Royal Decree 8/2010 which adopts extraordinary measures for reduction of public deficit. By this Decree the increase of pensions has been suspended for the year 2011. However, according to the report, as a solidarity measure, this amendment did not affect the lowest amounts of pensions with a view to avoiding that the most vulnerable groups are particularly affected. Aiming at reducing the public deficit, this Royal Decree

contains a series of adjustment measures that strive to achieve the sustainability and the most equitable distribution of public funds. These measures do not concern the lowest benefits, which affect the most disadvantaged people.

The report states that the Law 39/2010 on the general budgets of the state for 2011 introduced amendments to the social security contributions. For non-contributory pensions, it introduced a pension supplement, fixed at € 525 per year for the retired justifying that they do not own a dwelling. Pensioners whose income from gainful occupation is less than € 6,923 per year will be entitled to financial supplements necessary to reach the minimum pension.

Royal Decree 1382/2008 provides for integration of the self-employed who are covered under the Special Agricultural Scheme of Social Security with the Special Social Security Scheme for Employees and the Self-Employed. This Royal Decree develops legislation with regard to social security contributions of the selfemployed persons in the agricultural sector.

Royal Decree 3113/2009 clarifies the rules of the means-test, to ensure greater legal certainty for citizens regarding the determination of entitlement to and amount of noncontributory pensions through clear and precise regulations. The Committee asks the next report to provide information modifications to other branches of social security which affect their personal coverage as well as the minimum levels of income-replacement benefits.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Spain is in conformity with Article 12§3 of the 1961 Charter.

Article 13 - Right to social and medical assistance – Conclusions 2013

Paragraph 1 - Adequate assistance for every person in need

Types of benefits end eligibility criteria

The Committee has previously repeatedly found since 1996 (Conclusions XIII-4, XIV-1, XV-1, XVI-1, XVII-1, XVIII-1, XIX-2) that the minimum income system in several autonomous communities does not comply with the Charter where eligibility for the minimum income is subject to a length of residence requirement – from six months to three years – and (Conclusions since 2000) where it is subject to a minimal age condition, excluding for example from assistance people younger than 25. In addition, the Committee found (since 2006, Conclusions XVIII-1 and XIX-2) that, contrary to the Charter, the duration of social assistance is limited in time. The report does not provide any new information in this regard, while the information provided to the Governmental Committee confirms the shortcomings already noted (Governmental Committee, Report concerning Conclusions XIX-2, Doc. T-SG(2011)2final, §§174, 175, 177, 182).

In the light of the information above, the Committee asks the next report to provide comprehensive and updated information on the social assistance benefits (minimum income and emergency financial support) in the different local entities, the eligibility criteria applied and the duration of the assistance provided. In the meantime, it maintains its previous conclusion of non-conformity both as regards the residence and the minimal age requirements as well as regards the fact that the minimum income is not paid for as long as the need persists.

The report does not provide any information on medical assistance. The Committee previously noted (Conclusions XIII-4 of 1996) that medical assistance was provided under the social security scheme in the form of non-contributory allowances. It notes from MISSOC that medical assistance covers all residents with insufficient means of subsistence. It asks the next report to provide comprehensive and updated information in this respect.

Level of benefits

To assess the situation during the reference period, the Committee takes account of the following information:

- Basic benefit: according to the report the amount of minimum income for a single person varies according to regions from €300 in Murcia and Ceuta (the lowest) to €641.40 in Navarra and €658.5 in the Basque country (the highest) in 2011.
- Additional benefits: the report does not provide any information on any other benefits paid to a single person without resources. According to MISSOC, housing allowances amounting to €525 per year can be provided to beneficiaries of non-contributory old-age or invalidity pensions. The Committee notes that there is no indication that regular supplementary benefits apply to everybody in need and that their amount is adequate. It asks the next report to provide information in this respect;
- Medical assistance: see above;
- Poverty threshold (defined as 50% of median equivalised income and as calculated on the basis of the Eurostat at-risk-of-poverty threshold value): it was estimated at €521 per month in 2011.

The Committee recalls that, under Article 13§1 of the Charter, the assistance is considered to be appropriate where the monthly amount of assistance benefits – basic and/or additional – paid to a single person living alone is not manifestly below the poverty threshold. In the light of the above data, the Committee considers that in all autonomous communities and municipalities, except for the Basque country and Navarra communities, the level of social assistance paid to a single person is manifestly inadequate on the basis that the minimum assistance that can be obtained falls below the poverty threshold.

Right of appeal and legal aid

The Committee previously noted (Conclusion XVII-1 of 2006) that a right of appeal to the administrative courts existed in all autonomous communities. It asks the next report to confirm that the situation has not changed, that an effective right of appeal also applies to decisions concerning medical assistance, and to indicate whether free legal aid is available where necessary. In the meantime, it reserves its position on this point.

Personal scope

The Committee notes from the report that foreign residents are entitled to social and medical assistance, under the same conditions as Spanish nationals (Sections 12 and 14 of the Organic Law 4/2000 of 11 January 2000, as amended by the Organic Law 2/2009 of 11 December 2009). Furthermore, under the Law 12/2009 of 30 October 2009, asylum seekers and refugees are also entitled to social assistance. In this respect, the Committee asks the next report to clarify the nature and extent of the services provided, whether the age and length of residence requirements also apply in these cases and what social assistance services are available to stateless persons.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Non-discrimination in the exercise of social and political rights

The Committee takes note of the information provided and asks the next report to confirm that no restrictions apply, also in practice, to the social and political rights of beneficiaries of social assistance.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Spain is in conformity with Article 13§2 of the 1961 Charter.

Paragraph 3 - Prevention, abolition or alleviation of need

The Committee takes note of the information provided and asks the next report to continue to provide updated information and to clarify whether services aimed at people without adequate resources or at risk of becoming so are provided free of charge.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Spain is in conformity with Article 13§3 of the 1961 Charter.

Article 14 - Right to benefit from social services – Conclusions 2013

Paragraph 1 - Promotion or provision of social services

Organisation of the social services

The Committee refers to its previous conclusions (Conclusions XVII-2 and XIX-2) for a description of the organisation of social services.

Effective and equal access

The report still does not contain any information about fees charged for social services. The Committee therefore concludes that the situation is not in conformity with Article 14§1 of the 1961 Charter on the ground that it has not been established that effective access to social services is guaranteed. The Committee refers to its previous conclusions (Conclusions XVII-2) regarding equal access to social services.

Quality of services

The report still does not contain any information about the conditions which providers of social services must meet, therefore, the Committee repeats its conclusion of nonconformity. The report is also silent on the supervisory procedures in place to ensure that the conditions are complied with in practice. Under these circumstances, the Committee is not able to assess the situation in Spain with regard to Article 14§1. It repeats its conclusion of non-conformity in this respect. With regard to staffing levels in the social services, the report states that in 2010 there were 50 007 staff for 8 047 920 users. Consequently, there was one member of staff for approximately 160 users in 2010. The Committee requests that the next report indicate the total amount of expenditure on social services. The Committee asks whether there is any legislation on personal data protection.

Conclusion

The Committee concludes that the situation in Spain is not in conformity with Article 14§1 of the 1961 Charter on the grounds that:

- it has not been established that effective access to social services is guaranteed;
- the conditions to be met by providers of social services are not clearly defined;
- it has not been established that supervisory arrangements for ensuring that providers of social services comply with the conditions ensuring the quality of services exist.

Paragraph 2 - Public participation in the establishment and maintenance of social services

In its last conclusion, the Committee asked what means were available to monitor the actions of non-governmental organisations and other non-public service providers and how many such providers there were. Given the lack of information in the current report, the Committee concludes that the situation is not in conformity on the ground that it has not been established that there are means of monitoring the actions of nongovernmental organisations and other non-public service providers.

The Committee also asked in its previous conclusion if effective and equal access to social services provided by non-state providers was guaranteed. In the absence of any reply to this question, the Committee concludes that the situation is not in conformity on the ground that it has not been established that there is equal and effective access to social services provided by non-state providers (i.e. non-governmental organisations and other non-public service providers).

The Committee asks for it to be stated in the next report if and how the state ensures that services managed by the private sector are effective and accessible to everyone on an equal footing, and at least without discrimination on the ground of gender, race, ethnic origin, religion, disability, age, sexual orientation or political opinion.

Conclusion

The Committee concludes that the situation in Spain is not in conformity with Article 14§2 of the 1961 Charter on the grounds that it has not been established that: • that there are means of monitoring the actions of non-governmental organisations and other non-public service providers;

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community – Conclusions 2012

Paragraph 1 - Education and training for persons with disabilities

Spain ratified the UN Convention on Rights of Persons with Disabilities and its Optional Protocol on 3 December 2007 and an interministerial working group was set up to assess the legislative amendments to be introduced to ensure full conformity with the Convention.

There does not seem to be any example of case law available related to discrimination on ground of disability in relation to education and training. The Committee requests the next report to inform it of any development in this regard.

The Committee requests the next report to provide more detailed information as regards vocational training, including university, as well as data on the number of disabled people attending vocational training in the mainstream and in the special system and data relating to the number of disabled university students.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Spain is in conformity with Article 15§1 of the 1961 Charter.

Paragraph 2 - Employment of persons with disabilities

Employment of persons with disabilities

On the other hand, the report indicates that, end 2010, 21,797 disabled people were in ordinary employment (10,823 on permanent contracts and 10,974 on interim contracts) and 39,329

disabled people were in sheltered employment (5,376 on permanent contracts and 33,953 on interim contracts). The Committee takes note of these data, while noting that the report also states that special employment centres had 59,185 workers: it asks next report to clarify the relation between disabled workers registered to be in sheltered employment and those registered to be in special employment centres. It also notes that, while the report indicates that 131,934 disabled people were registered in the employment centres, another table indicates a different figure for 2010 (154,101 people, of whom 97,002 people were not already in employment). Clarification is needed on this point as well as updated comprehensive data relating to the number of people with disabilities, the number of people with disabilities of working age, the number of those employed respectively in the open market and in sheltered employment, the number of people benefiting from employment promotion measures and the number of people with disabilities seeking employment and those unemployed.

Measures to encourage the employment of persons with disabilities

Sheltered employment consist of "special employment centers", aiming at producing goods for the market, ensuring disabled workers paid work while providing rehabilitation services and improving their social integration and integrating the largest possible number of people with disabilities into a normal work routine. Disabled workers make up for over 70% of the workforce in sheltered employment. Many such centres also operate as subcontractors to other companies in the non sheltered sector. This is known as the "Work Enclave" programme, which operates over a period of at least 3 months and up to 6 years. This system is meant to encourage sheltered workers to move into non sheltered positions. Another option is that of the occupational centres, which are day centres aiming at improving the social and personal integration of people with severe disabilities, whose capacity remains below the limits that permit integration through the special work centres. Activities are typically manual and craft oriented. While some severely disabled people will remain in these day centres, others who successfully develop work skills will go on to join sheltered work centres. The Committee requests the next report to precise whether people attending these centres are considered as employed in the national statistics and how many people are attending these centres.

The report also details a number of additional measures taken to promote the employment of disabled people through the adoption of Law 27/2009, setting up a special plan to maintain and develop the employment of disabled people, and Law 35/2010 which, inter alia, provides for a revision of the sheltered employment system. The Committee requests the next report to indicate the rate of compliance with the reserved quota system. It also asks for information on the implementation of the measures planned and their impact.

Conclusion

The Committee concludes that the situation in Spain is in conformity with Article 15§2 of the 1961 Charter.

Article 16 - Right of the family to social, legal and economic protection – Conclusions 2015

Childcare facilities

In its previous conclusion (Conclusions XIX-4 (2011)) the Committee requested information on childcare facilities for the second time. Since the report does not contain the required information, the Committee concludes that the situation is not in conformity with Article 16 of the 1961 Charter on the ground that it has not been established that adequate childcare facilities exist.

Economic protection of families

Family benefits

According to Eurostat data for 2013, the median equivalised income was € 1,127 per month. According to the report, in 2013 the monthly allowance in respect of the first three children was €24.25 per child, and €233 as from the fourth child. These allowances represented about 2.15% and 20% respectively of this income.

The Committee considers that the allowance in respect of the first three children does not represent an adequate percentage of the median equivalised income. It consequently concludes that the situation is not in conformity with Article 16 of the 1961 Charter on the ground that family benefits are not of an adequate level for a significant number of families.

Equal treatment of foreign nationals and stateless persons with regard to family benefits

In its previous conclusion (Conclusions XIX-4 (2011)) the Committee asked for detailed information on the award of family benefits to nationals of other States party to the 1961 Charter and the Charter who are lawfully living or working in Spain. Since the report does not contain the required information, the Committee reiterates its request and points out that, should the next report fail to provide the requested information, there will be nothing to establish that the situation in Spain is in conformity with Article 16 of the 1961 Charter on this point.

The Committee asks the next report to indicate whether stateless persons and refugees are treated equally with regard to family benefits.

Conclusion

The Committee concludes that the situation in Spain is not in conformity with Article 16 of the 1961 Charter on the grounds that:

- it has not been established that adequate childcare facilities exist;
- it has not been established that adequate family counselling services exist;
- it has not been established that associations representing families are consulted when family policies are drawn up;
- it has not been established that adequate mediation services exist;
- family benefits are not of an adequate level for a significant number of families.

European Code of Social Security

Resolution CM/ResCSS(2015)17 on the application of the European Code of Social Security by Spain

(Period from 1 July 2013 to 30 June 2014)

(Adopted by the Committee of Ministers on 10 September 2015 at the 1234th meeting of the Ministers' Deputies)

[Link to adopted by the Committee of Ministers resolutions](#)

The Committee of Ministers notes:

I. concerning Part V (Old-age benefit) of the Code, Reform of the pension system, that the recent reform of the social security legislation (Act No. 23/2013 regulating the sustainability factor and the adjustment index of the social security pension scheme) is part of the measures Spain has undertaken to reduce the public pension scheme deficit through: (i) an increase in the normal retirement age from 65 to 67 in the period 2019-27; (ii) an increase in the number of contribution years needed for a full pension, from 15 years to 25 years by 2022 (the minimum remains at 15 years and entitles receiving 50 per cent of the full pension); (iii) an increase in the number of contribution years required for workers with long careers, from 35 to 38.5 years by 2025 (the retirement age for those workers remains at age 65). In addition, the sustainability factor will start operating as of 2019 and introduce life expectancy at the normal retirement age as a criterion which will be adjusted on each five-year period;

II. concerning Part VI (Employment injury benefit), Article 36(3), Conversion of periodical payments into lump sums, that the periodical payments in case of permanent partial disability of not less than 33 per cent of the normal working capacity in the same occupation and, exceptionally, in case of total incapacity for work in the same occupation, may be converted into a lump sum representing, respectively 24 monthly amounts and up to 84 monthly amounts (for beneficiaries under 54 years of age);

III. concerning Part XI (Standards to be complied with by periodical payments), Articles 65 and 66, Determination of the reference wage, that the reference wage used for the calculation of the replacement rate of benefits under accepted Parts of the Code is determined in accordance with Article 65(6)(c) as 125 per cent of the average earnings of all the persons protected and exceeds the amounts indicated in the above-mentioned "Technical note", transmitted to the government, which calculates for Spain the reference wage under all the options allowed by the Code for the same time period (2010) for which complete Eurostat data are available;

IV. concerning social security and the reduction of poverty, that, due to high unemployment, the main poverty indicators also exceed the European Union average although they showed a slight decrease from 2012 to 2013. The structure of the population living at the at-risk-of-poverty threshold (60 per cent of equivalised median income) shows that pensioners are better protected against poverty than employed persons and other categories of the population. With the average pension at almost twice the at-risk-of-poverty threshold, pensioners represent only 5.6 per cent of the population in poverty, much less than employed persons (24.8 per cent). The Committee of Ministers further notes that 25.9 per cent of households composed of two adults and two dependent children, which represent the standard beneficiary for many contingencies of the Code, were at risk of poverty in 2012, with that percentage going up to 43.6 for families

with three children. The amount of the minimum guaranteed income is set below the 40 per cent of the median equivalised income and the minimum pension below the 60 per cent at-risk-of-poverty threshold;

Finds that the law and practice in Spain continue to give full effect to all the Parts of the Code which have been accepted, subject to receiving additional information concerning Part VI;

Decides to invite the Government of Spain:

I. concerning Part V (Old-age benefit) of the Code, Reform of the pension system, noting the long-term effect of the above-mentioned reforms, to indicate, in the next report, to what extent they are expected to reduce the deficit of the pension system and explain the role of the Independent Authority for Fiscal Responsibility, a new public agency created in 2013, to appraise the annual adjustments of benefits and changes in the sustainability factor;

II. concerning Part VI (Employment injury benefit), Article 36(3), Conversion of periodical payments into lump sums, recalling that conversion of periodical payments into lump sums is only authorised by the Code under the conditions prescribed by Article 36(3), to indicate, in the next report, how the national legislation gives effect to this provision of the Code;

III. concerning Part XI (Standards to be complied with by periodical payments), Articles 65 and 66, Determination of the reference wage, to update in the next report the statistics used in the above-mentioned “Technical note”, indicating the exact source of data for future reference;

IV. concerning social security and the reduction of poverty, to explain in the next report the effectiveness of the social transfers in reducing poverty, the role assigned to the guaranteed minimum income and other minimum benefits, and the measures aimed at fighting poverty among the most affected population groups and households. The government is requested to update and supplement the statistical information in the infographs included in the above-mentioned “Technical note”.

CEACR 2015 Conclusions on the application of the European Code of Social Security and its Protocol by Spain

As a result of its examination, the Committee finds that the law and practice in Spain continue to give full effect to all the Parts of the Code which have been accepted, subject to reviewing conditions of lump-sum compensation for permanent partial disability under Part VI.

Part III (Sickness benefit) of the Code. The Committee notes the 2014 amendment of Royal Decree No. 575/1997 of 18 April 1997, regulating certain aspects of the management and control of the social security economic benefit for temporary incapacity in the first 365 days and repealing all provisions of equal or lower rank opposed to it. The Royal Decree regulates, inter alia, the granting of medical leave, confirmation and discharge certificates, adapts the issuing of the medical reports to the different types of pathology, and establishes temporary medical protocols to confirm leave and fix those periods based on the diagnosis, occupation and age of the worker without prejudicing the prerogative of the physician to grant an estimated duration of leave. ***The Committee requests the Government to confirm that the new rules for the control of temporary incapacity benefit do not create administrative requirements which may limit access of the persons protected to the sickness benefits guaranteed by Part III of the Code.***

Part V (Old-age benefit). Reform of the pension system. The Committee notes that recent measures to reduce the public pension scheme deficit include: (a) the increase in the normal retirement age from 65 to 67 in the period up to 2027; (b) the use of life expectancy at the normal retirement age as a criterion which will be adjusted on each five-year period (the sustainability factor will start operating as of 2019); and (c) the dis-indexation of the Spanish economy.

(a) Article 26(2) of the Code, as amended by the Protocol. Increase of retirement age. Law 27/2011 of 1 August 2011 gradually increases the ordinary retirement age from 65 to 67 years during the 2013–27 transition period. Royal Decree-Law 5/2013 fixes the retirement age at 65 and one month. *Article 26(2)* of the Code allows the pension age of 65 years to be exceeded if the number of residents having attained the increased age is not less than 10 per cent of the number of residents under that age but over 15 years of age. ***The Committee requests the Government to supply these statistics in its next report.***

(b) Adjustment of pensions to changes in the general level of earnings and in the cost of living. Article 65(10). According to the **19th annual report**, since 1997, Article 42 of the General Social Security Law (Consolidated Text approved by Royal Legislative Decree 1/1994 of 20 June) regulated the regular increases to pensions mandated under article 50 of the Spanish Constitution, through updates in accordance with the forecast Consumer Price Index (CPI). However, this link has been questioned owing to the demographic and economic problems faced by the pension system. Royal Legislative Decree No. 8/2010 of 20 May 2010, adopting extraordinary measures to reduce the public deficit, provided for the exceptional suspension of the adjustment of contributory pensions for the year 2011. In 2012 and 2013, the retirement pensions, pensions for permanent incapacity and pensions for incapacity due to employment injury were increased by 1 per cent, while the review clause to compensate for the difference between the forecast and real CPI was not applied in these budget years, when the CPI increased by 2.929 per cent in 2012 and 0.233 per cent in 2013. The calculation base for these years (the average of the worker's contribution bases in the years prior to the month before the date the pension is calculated) also has not been updated to the CPI. In the wake of similar concerns across Europe, the second recommendation contained in the evaluation and reform

report on the Toledo Pact, approved by the Plenary Session of the Congress of Deputies at its session of 25 January 2011, suggested a study should be carried out that could be evaluated by the Commission of the Pact on the possibility of using other indices for increments based on factors such as wage growth, economic growth, or the calculation of contributions to the social security system. Such factors should also take into account the effects that these indices have had on the sustainability of the pension system in other countries. In response to the recommendation by the Toledo Pact, Act 23/2013 regulating the sustainability factor and the adjustment index of the social security pension scheme, replaced the previous indexation of pensions to inflation by the new adjustment index for pensions aimed at ensuring the financial sustainability and sufficiency of the pension system. It also introduced the sustainability factor linking initial pension to changes in life expectancy, which will be recalculated every five years. The revalorization factor which establishes the annual increase of the pensions, is now a coefficient that relates the CPI and the financial balance of the social security system. The minimum increase of the revaluation index was set to 0.25 per cent and the maximum will be paired to the CPI rate plus 0.5 percentage points. According to the new system of indexation of pensions, in 2014 and 2015, pensions paid by the social security system were generally increased by 0.25 per cent; pensions exceeding the maximum pension limit of 2,560.88 euros/month (for 2015) were not updated.

The Committee notes that the new mechanism of adjustment of pensions has moved away from the indexation solely on the cost of living and introduced certain limitations to the annual increase in pensions. With regard to the option of adjusting pensions to changes in the general level of earnings also foreseen by *Article 65(10)* of the Code, the Committee notes, from paragraph 18 of the 2012 concluding observations of the United Nations Committee on Economic, Social and Cultural Rights, that “the minimum wage (*salario mínimo interprofesional* – *SMI*) has been frozen since 2011 at a level that does not allow for a decent standard of living” and that the latter recommended that “it is periodically adjusted in line with the cost of living, in accordance with Article 7 of the Covenant and the standards of the European Committee of Social Rights”. The Committee observes that read together these pieces of information from the **19th** and the **20th annual reports** do not allow for a clear understanding of whether the new mechanism of adjustment of pensions fulfils the requirements of *Article 65(10)* of the Code and maintains the purchasing power of benefits in payment. The **20th annual report** mentions in this respect that three rulings by different Spanish social tribunals concerning cases of revaluing and updating pensions in 2013 invoked the European Code of Social Security, specifically *Article 65(10)*. ***The Committee asks for copies of these decisions, as well as for information concerning the role of the Independent Authority for Fiscal Responsibility, a new public agency created in 2013, to appraise the annual adjustments of benefits and changes in the sustainability factor. It hopes that the Government's next report will contain full explanations and statistics on the adjustment of benefits for the period 2011–16 requested in the report form on the Code under Title VI of Article 65.***

(c) *Dis-indexation of the Spanish economy.* The report indicates that the main objective of Act 2/2015 of 30 March 2015 on dis-indexation of the Spanish economy is to remove the indexing regulation, which dates back to a much earlier period when inflation was considerably higher and to establish a new discipline of not indexing prices in the field of public contracting and, generally, in all income and expenses items of the public budgets, which make up approximately 20 per cent of GNP. The report states that indexation based on general indexes, like the CPI, although it is a broadly extended convention, is not necessarily justified, nor does it render any benefits for the whole of a developed economy, like the Spanish economy. Dis-indexation is expected to ensure higher flexibility and a better reaction of the Spanish

economy in case of instability. However, article 3(2) of this Act “excludes from its implementation the reviews, revaluations and updates foreseen in the Rewritten Text of the General Act on Social Security, as well as the reviews of the rest of pensions paid with the credits of section 07 of the state expenses budget, whatever their regulating legislation”. While the Committee understands the motives for the exclusion of social security benefits from the dis-indexation regulations, it notes with curiosity that, to its knowledge, Spain is the first country in Europe to apply the economic logic of delinking public sector prices from inflation processes on the open market through legal regulation. ***Please explain the sustainability of such policy in the globalized economy and the potential gains it can bring to the reduction of the budget deficit.***

Part VI (Employment injury benefit). Article 36(3). Conversion of periodical payments into lump sums. The **20th annual report** repeats that the periodical payments in case of permanent partial disability of not less than 33 per cent of the normal working capacity in the same occupation and, exceptionally, in case of total incapacity for work in the same occupation, may be converted into a lump sum representing, respectively, 24 monthly amounts and up to 84 monthly amounts (for beneficiaries under 54 years of age). ***Recalling that conversion of periodical payments into lump sums is only authorized by the Code under the conditions prescribed by Article 36(3), the Committee once again asks the Government to indicate how the national legislation gives effect to this provision of the Code.***

Part XI (Standards to be complied with by periodical payments) (a) Determination of the reference wage, Article 65. The Committee notes the Government’s statement that the reference wage of a skilled manual male employee used for the calculation of the replacement rate of benefits under accepted Parts of the Code is determined in accordance with *Article 65(6)(c)* as 125 per cent of the average earnings of all the persons protected and has been obtained as follows: wages and salaries (total workers and total sectors) in 2013 – 22,653.55 euros/year (pro rata in 12 monthly payments) multiplied by 125 per cent equals salary equivalent of a skilled male worker in 2013 under *Article 65(6)(c)* – 28,316.94 euros/year. This data has been obtained from the Annual Survey of Labour Costs by the National Institute of Statistics, item “wages and salaries”, carried out according to the methodological guidelines of Eurostat.

(b) Calculation of the replacement level of benefits granted to part-time workers. The **19th annual report** referred to Royal Decree 11/2013 on protecting part-time workers and other urgent economic and social measures, which introduced significant changes in the social protection of part-time workers by requiring the same effort from full-time and part-time workers with regard to the proportionality between the contributions made and benefits received. The new system calculates employment periods according to a “partiality coefficient”: if a worker has a coefficient of 50 per cent, which means that he or she works half-time, the minimum contribution period to access retirement pension is not 15 years but 7.5 years. The above Decree also guarantees access to the minimum pension from the state budget if the pension is less than the amount of the minimum pension and the person lacks other income. The **20th annual report** refers to the third final provision of Act 36/2014 of 26 December 2014 on general state budgets for the year 2015, which established two new rules for calculating benefits for temporary incapacity for part-time workers, specifying that the regulatory base shall be the result of dividing the sum of the part-time contribution bases accredited since the last work assignment, with a maximum of the three months prior to the event that caused the incapacity, between the number of days included in the period taken into consideration, and

that the benefit is paid for all days while the interested person is in situation of temporary incapacity.

The Committee understands that the new legislation improves access to old-age pension to part-time workers who represent 20 per cent of all employees, more than two-thirds of whom are women. ***In order to confirm this understanding, the Committee requests the Government to provide examples of calculation of the retirement pension under the new rules, including the provision for the topping-up of pension to the amount of the guaranteed minimum pension, for the part-time worker who corresponds to the standard beneficiary working half time, and indicate whether the benefit of part-time workers bears a reasonable relation to the benefit of the standard beneficiary working full time, as required by Article 65(5) of the Code. Please present the same calculations of the replacement level of the benefit for temporary incapacity for the standard beneficiary working half time.***

(c) *Adequacy of social security benefits.* With reference to its previous conclusions concerning social security and the reduction of poverty, the Committee recalls that 25.9 per cent of households in Spain composed of two adults and two dependent children, which represent the “standard beneficiary” for many contingencies of the Code, were at risk of poverty in 2012, with that percentage rising to 43.6 for families with three children. The amount of the minimum guaranteed income is set below the 40 per cent of the median equivalized income and the minimum pension below the 60 per cent at-risk-of-poverty threshold determined by Eurostat. The United Nations Committee on Economic, Social and Cultural Rights in paragraphs 16 and 20 of its concluding observations of 2012 on the application by Spain of the International Covenant on Economic, Social and Cultural Rights expressed concern that pensions are in many cases below subsistence level, so that pensioners are at risk of falling into poverty and recommended that “the State party review the level of both contributory and non-contributory retirement pensions” and, more broadly, “adopt and implement a new and comprehensive national anti-poverty programme ... to mitigate the adverse impacts of the current economic and financial crisis”. The 2015 Resolution of the Committee of Ministers on the application by Spain of the Code requested the Government to explain the effectiveness of the social transfers in reducing poverty, the role assigned to the guaranteed minimum income and other minimum benefits, and the measures aimed at fighting poverty among the most affected population groups and households. The ILO technical note on the Code, includes the latest available statistical information on the income, benefits and poverty indicators and standards. ***The Committee invites the Government to update and supplement the statistical information in the ILO technical note in its next detailed report, which shall also include for the same period (see Article 65(4) of the Code) updated statistics on social security coverage, amount of the reference wage and calculations of the replacement rate of benefits.*** The Committee will examine the question of the adequacy of social security benefits under accepted Parts of the Code on the basis of this comprehensive information.

Article 74. Next detailed report on the Code. (See above under Chapter III)

3. ILO Conventions

Social Security (Minimum Standards) Convention, 1952 (No. 102) - Spain (Ratification: 1988)

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013) - due in 2016

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

The Committee notes the Government's report received in October 2011, as well as the annual reports on the application of the European Code of Social Security for the period 2007 to 2012, containing replies to its previous direct request.

Part II (Medical care) of the Convention. The Committee notes that the report fails to include information on this part of the Convention. According to the 17th Report on the European Code, Royal Legislative Decree No. 16/2012 of 20 April, adopting urgent measures to guarantee a sustainable national health system and to improve the quality and security of benefits, introduces important changes in relation to the individual and material coverage of medical care. The measures adopted are intended to carry out a structural reform of the national health system to ensure its solvency and viability, and to remedy the unsustainable deficit in public health expenditure. In this context, the Royal Legislative Decree establishes common standards for health insurance throughout the national territory; specifies common health services throughout the State, with three different levels (basic, supplementary and accessory services), which differ from the supplementary services of the autonomous communities; and modifies the provision of pharmaceutical and sanitary products and increases the share by beneficiaries in the cost of outpatient pharmaceutical care. ***While noting that the Royal Legislative Decree is intended to maintain the guarantee to citizens of public, free and universal health assistance, the Committee requests the Government to ensure, by means of a comparative analysis, that the minimum benefits guaranteed by Part II of the Convention remain in place.***

Part XIII (Common provisions). Organization and administration of social security. The 17th Report on the European Code notes the adoption of Act No. 27/2011 of 1 August 2011 updating, adapting and modernizing the social security system, which modifies the structure of the national social security system with a view to ensuring both the broadest possible coverage of protection and stable and solid financing to guarantee adequate social benefits for future generations. With regard to the management of the system, the Act authorizes the Government to create the State Social Security Administration Agency, which will integrate the National Social Security Institute, the General Social Security Treasury, the Marine Social Institute and the Social Security Information Technology Administration. Royal Decree No. 1823/2011 of 21 December 2011 also reforms the current ministerial structure. The Ministry of Labour and Immigration becomes the Ministry of Employment and Social Security, and it establishes the following higher bodies: the Secretariat of State for Employment and the Secretariat of State for Social Security.

The Committee hopes that the Government will be in a position to provide detailed information in its next report on the new structure of the social security system, with an indication of the new distribution of responsibilities for the administration of the various branches covered by the Convention. The Committee also asks the Government to explain the institutional channels

and practical machinery to ensure effective coordination between the employment and social security policies and, respectively, between the two Secretariats responsible for these fields within the new Ministry of Employment and Social Security. The Committee observes from experience that, even where responsibility for these two objectives is the competence of a single ministry, social security and employment promotion are not always coordinated and that, in certain European countries, anti-crisis measures for the recovery of the labour market often only include measures to make labour legislation more flexible, but do not cover the corresponding social security measures to ensure adequate protection for the new flexible forms of employment.

Maternity Protection Convention (Revised), 1952 (No. 103) - Spain (Ratification: 1965)

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)- due in 2018

[Link to pending comments by the ILO supervisory bodies. NORMLEX](#)

Further to its previous comments, the Committee notes the extensive legislation adopted, which further strengthens maternity protection, and particularly Royal Decree No. 1620/2011 of 14 November regulating the special labour relationship in domestic services. The Committee also notes the comments of 4 September 2013 by the General Union of Workers (UGT), which address issues already raised and the Government's reply to those comments, received on 27 November 2013.

Article 4(1), (2) and (5) of the Convention. Benefits provided by means of public funds. The Committee notes the information supplied by the Government to the effect that there is no requirement for a minimum period of contributions to receive maternity benefits if the worker is under 21 years of age at the date of the birth (90 days' contributions for workers between 21 and 26 years of age and 180 days for workers over 26 years of age) and that provision is made for a special, non-contributory maternity benefit, which will be available to women employees who, in the event of birth, meet all the requirements for entitlement to contributory maternity benefit other than the minimum periods of contribution. The Committee also notes that, according to the Government, the duration of the non-contributory benefit is 42 calendar days from the date of the birth, in other words a period corresponding to that of compulsory postnatal leave. The Government adds that, notwithstanding the duration of the benefit, the beneficiary is nonetheless entitled to stop work for 16 weeks. In these circumstances the Government considers that the amendments made to maternity benefits are a proper response to the observations made by the Committee.

The Committee notes that according to the UGT, in 2012 only 752 women received non-contributory maternity benefit for an average duration of 42.5 days. The economic needs of these beneficiaries were not covered for the whole period of maternity leave as they received a daily amount of €17.75. The Committee observes that €17.75 a day is lower than the poverty threshold, which in 2012 stood at €7,355 a year for a single person, i.e. €20.43 a day. The Committee emphasizes that the Convention requires the full and healthy maintenance of the woman and her child in accordance with a suitable standard of living, and the payment of benefits throughout the entire period of maternity leave – and not only during the compulsory postnatal leave. ***In the light of these provisions of the Convention, the Committee requests the Government to indicate: (i) whether the benefit of €17.75 a day is deemed sufficient to***

ensure the full and healthy maintenance of the woman and her child in accordance with a suitable standard of living; and (ii) whether women who, during maternity leave or part of the leave, are for some reason without any income or benefit, may apply for means-tested social assistance.

4. EU Country-Specific Recommendations: 2015

(the numeration of comments is kept in accordance to the original)

The European Union has set up a yearly cycle of economic policy coordination called the European Semester in 2010. Under the European Semester, the European Commission was given a mandate by Member States to check whether they take action on reform commitments they have made at EU level. The European Semester starts when the Commission adopts its Annual Growth Survey which sets out EU priorities to boost job creation and growth for the next year.

Each year, the Commission undertakes a detailed analysis of EU Member States' plans of budgetary, macroeconomic and structural reforms and provides them with the country-specific recommendations basing its decision on the submitted by each country National Reform Programme and Stability Programme. These recommendations provide tailor-made policy advice to Member States in areas deemed as priorities for the next 12-18 months. The European Council endorses the recommendations after the discussion.

Where recommendations are not acted on within the given time-frame, policy warnings can be issued. There is also the option of enforcement through incentives and sanctions in the case of excessive macroeconomic and budgetary imbalances.

Council Recommendation of 14 July 2015 on the 2015 National Reform Programme of Spain and delivering a Council opinion on the 2015 Stability Programme of Spain (2015/C 272/13), (18.08.2015, C 272/46, *Official Journal of the European Union*).

[Official Website of the European Commission](#)

(9) Implementation of the preventive, corrective and enforcement measures contained in the Organic Law on Budget Stability and Financial Sustainability is progressing slowly. Cost-effectiveness in the healthcare sector has improved, but it remains essential to keep the growth of pharmaceutical expenditure under control and, specifically, to monitor pharmaceutical expenditure in hospitals. The deficit in the electricity system has been effectively eliminated as of 2014 and the problem of insolvent toll motorways has been addressed, thus reducing costs for the State. Spain has not, however, put in place a system for conducting independent assessments of major future infrastructure projects. Lastly, while the availability of budget execution data has increased considerably, there is room for improvement at regional level by ensuring observance of the stability law's principle on transparency and multi-annuality, convergence of public accounting rules and a proper use of extra- budgetary accounts....

(11) High long-term unemployment and labour market segmentation continue to hamper productivity growth and have a damaging effect on working conditions in Spain. In this regard, and given the very high unemployment rate, wages for some sectors and companies in the short term may need to grow below productivity in order to create jobs and achieve further gains in competitiveness. The social partners have reached a comprehensive inter- professional pre-agreement for 2015-2017. This pre-agreement states the importance of establishing, through sectoral and company negotiations, the principle that wages should move in line with

inter-firm productivity differentials. Despite regulatory reforms, the proportion of the workforce in temporary employment remains high and particularly affects young people and the low-skilled. Moreover, the new types of contract introduced for SME employees and the incentives to encourage employers to take on staff on an open-ended basis appear not yet to be used to full potential. The Spanish authorities announced that an assessment of the subsidies offered to employers for recruiting new staff would be carried out by May 2016.

The performance of the public employment service, and of the agencies to which services have been outsourced, is crucial for ensuring the effectiveness and adequate targeting of active labour market and activation policies, including effective re-training to allow people to move into sectors where more jobs are being created. Spain has made limited progress in accelerating the modernisation of public employment services and addressing regional disparities.

(12) Youth unemployment in Spain remains very high (at over 50 %) and the early school leaving rate is one of the highest in the Union. Spain is implementing the new educational schemes introduced by Law No 8/2013 on the quality of education, designed to increase the quality of primary and secondary education. Limited progress was made in increasing the labour-market relevance of vocational education and training, and the efforts to improve cooperation between higher education institutions and employers are behind schedule. There are plans to extend the dual vocational training scheme in 2015, but there continue to be considerable differences in its implementation across the regions. A dedicated committee has been set up to examine the relevance of education and training curricula to labour market needs.

(13) Spain made limited progress on improving the effectiveness of its social protection system. It has established a new activation programme for the long-term unemployed, combining income support and assistance in looking for work. Limited coordination between the employment and social services, and the incompatibility of the different minimum income schemes have, however, reduced the effectiveness of the social assistance programmes. Facing high levels of poverty, especially among low-income households with children, Spain made limited progress in improving the targeting of family support schemes and care services.

HEREBY RECOMMENDS that Spain take action in 2015 and 2016 to:

1. Ensure a durable correction of the excessive deficit by 2016 by taking the necessary structural measures in 2015 and 2016 and using windfall gains to accelerate the deficit and debt reduction. Strengthen transparency and accountability of regional public finances. Improve the cost-effectiveness of the healthcare sector, and rationalise hospital pharmaceutical spending.

3. Promote the alignment of wages and productivity, in consultation with the social partners and in accordance with national practices, taking into account differences in skills and local labour market conditions as well as divergences in economic performance across regions, sectors and companies. Take steps to increase the quality and effectiveness of job search assistance and counselling, including as part of tackling youth unemployment. Streamline minimum income and family support schemes and foster regional mobility.