Survey on the effectiveness of Anticorruption Authorities
(Short questionnaire)

Background Information
1. Please enter country name in the space below
   Spain

2. The name of the agency
   Oficina Antifrau de Catalunya
   Anti-Fraud Office of Catalonia

3. The date of establishment
   November 5th, 2008 –created by law 14/2008

4. Contact Information
   C/Ribes nº3,08013-Barcelona (Spain)
   Tel.+34.93.554.55.55- bustiaoac@antifrau.cat

5. Webpage
   www.antifrau.cat

Legal Environment
6. What are the main anticorruption laws of your country?
   - In Spain and in the autonomous community of Catalonia we can also find the following laws and regulations:

Codes and duties of conduct of the Government and of public employees

- Act 30/1992, of November 26th, on the legal regime of the Public Administrations and on common administrative procedure (articles 28 and 29 on duty of abstention and challenge)
- Legislative Decree 1/1997 of October 31st, approving consolidation into a single text of the precepts of certain legal statutes in force in Catalonia in relation with government operation (Chapter 4 On duties and responsibilities)
- Order APU/516/2005, providing for publication of the Agreement of the Council of Ministers of 18 February 2005, which approved the Code of Good Government for the members of regional government and senior officials in central government
- Act 7/2007, of April 12th, on the Basic Statute for public employees (ss. 52 to 54)
**Incompatibilities and conflicts of interest**

- Act 53/1984, of December 26th, on incompatibilities affecting personnel in the service of government departments.
- Act 21/1987, of November 26th, on incompatibilities affecting personnel in the service of the Government of Catalonia.
- Act 5/2006 of April 10th, on regulation of the conflicts of interest of the members of the Catalan Government and of Senior Officials of Central Government.

**Financing of Political Parties**


**Parliament of Catalonia**


**Local government**

- Act 7/1985, of April 2nd, regulating the Rules for Local Government (Statute of the members of Local Corporations, ss. 73 to 78).
- Legislative Decree 2/2003, of April 28th, approving the Consolidated Text of the Municipal and Local Government Act of Catalonia (Title XV of the Statute of Members of Local Corporations, ss. 162 to 170).

**Corporate social responsibility**

- Act 19/1988, of July 12th, on Auditing of Accounts (First Additional Provision1.e).
- Act 26/2003, of July 17th, on the Transparency of listed Limited Companies.
- Order ECO/3722/2003, of December 26th, on the Annual Report on corporate governance and other instruments of information of listed limited companies and other entities.
- Royal Decree 221/2008, of February 15th, creating and regulating the State Council on the Social Responsibility of companies.

**Does your government have a single or primary anticorruption strategy?**

In the current Government Plan 2011-2014, the Catalan government acknowledges the existence of three simultaneous crises, one of which is the lack of confidence/trust with the institutions. Because of this, the Government will have to face some challenges, one of them being the transparency in public life and the fight against corruption. However, there is no specific package of measures to fight against corruption that has been approved.
8. Does your country have freedom of information legislation?
   Yes   No

9. Does your country have conflict of interest legislation?
   Yes   No

10. Does your country have a financial disclosure system to help prevent conflicts of interest?
    Yes   No

Institutional Environment

11. What are the main functions and operations of your agency? Please check all that apply
    ○ Research  x  Prevention  x  Investigation  ○  Prosecution  ○  Forensic  ○  Accounting  ○  Policy

12. Is there one agency in charge of coordinating AC efforts across agencies?
    ○ Yes   x  No
    If Yes, Please specify: __________________________________________________________

13. Does your agency have the ability to share information or data with
    (a) Other agencies within your government, and
        x  Yes   ○  No
    (b) Government partners from other countries?
        X  Yes   ○  No

14. Please enter current size of permanent staff in the space below
    47

15. Number of prosecutors (if applicable)

16. Number of investigators (if applicable)
    9 (not taking into account the Analysis Department where there are 11 members of the staff).

17. Number of cases handled annually (if applicable)
    Until 31st Sept. 2009: 45  2010: 146

18. Please enter the name of other agencies with similar functions.
    In Spain: - Spanish Public Prosecutor's Office on Corruption and Organised Crime; Executive Service for the
    Prevention of Money laundering -SEPBLAC- (Financial Intelligence Unit).
    In Catalonia: - Sindicatura de Comptes (Court of Auditors in Catalonia) www.sindicatura.org/
    - Sindic de Greuges (Catalan Ombudsman) www.sindic.cat/

19. Does your agency have a system to monitor performance of staff?
20. Are the human resource management, i.e. recruitment, promotion, termination built on the emphasis of staff integrity and professionalism?

x Yes  ○ No

21. Who appoints the head of your agency?

The director of the Anti-Fraud Office of Catalonia is chosen by Parliament at the proposal of the Government from among citizens of legal age enjoying full use of their civil and political rights and fulfilling the conditions of suitability, probity and professionalism necessary for exercising the post. Those chosen must be on the government-registered as resident in Catalonia. The president of the Generalitat (Catalan Government) must in the name of the Government propose the candidate to Parliament, and the candidate must appear before the corresponding parliamentary committee in order to be evaluated in terms of fulfilment of the conditions required for the post. The candidate is chosen as director of the Anti-Fraud Office by the Plenary Session of Parliament by a majority of three-fifths of the members. If the candidate does not obtain the required majority he/she must be submitted to a second vote, at the same Plenary Session, and in order to be chosen will then require a favourable vote of the absolute majority of the members of the chamber.

The director of the Anti-Fraud Office is then appointed by the president of Parliament and must take possession of the post within a period of one month from the date of publication of the appointment in the Diari Oficial de la Generalitat de Catalunya (official gazette of the government of Catalonia).

22. Who has the authority to remove the head of the ACA?

The grounds for dismissal of the Director of the Anti-Fraud Office of Catalonia are the following (which are described in 11 of the Law 14/2008, of November 5th on the creation of the Anti-Fraud Office):

a) Resignation.
b) Termination of mandate by expiry of the period.
c) Incompatibility that arises.
d) Incapacity declared by firm judicial decision.
e) Disqualification from exercise of the political rights declared by firm judicial decision.
f) Conviction for an offence by firm decision.
g) Gross and serious negligence in fulfilling the obligations and duties of the post.

Where the cause is that described in letter g (gross and serious negligence), the dismissal of the director of the Anti-Fraud Office must be proposed by the pertinent parliamentary committee (Committee of Institutional Affairs); the director has the right to attend the committee meeting and to speak. The decision must be agreed by the Plenary Session of Parliament by three-fifths majority. If the required majority is not achieved a second vote must be carried out at the same Plenary session, and the dismissal will then require a favourable vote of the absolute majority of the members of the chamber. In all other cases, dismissal is decided by the president of the Parliament.
23. Is there any term limit for the head of the ACA?
   x Yes ○ No
   If Yes, Please specify: 9 years non-renewable

24. Is the agency subject to judicial review?
   ○ Yes x No

25. Is the agency subject to expenditure reviews?
   x Yes ○ No

26. Does your agency publish an annual report of activities?
   x Yes ○ No

27. Does your agency measure performance?
   x Yes ○ No
   If yes, against what indicators?
   x Number of investigations conducted
   x Number of investigations concluded
   ○ Ratio of number of investigations/staff
   ○ Percentage of total budget allocated to outreach activities and communication
   ○ Other, please specify

28. Does your agency keep a comprehensive skill list of its staff?
   x Yes ○ No

29. Is the staff provided with regular training and refresher training to ensure that their skills are up-to-date?
   x Yes ○ No

30. Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?
   x Yes ○ No

31. Does your agency have a communication strategy?
   x Yes

32. Does your agency have a comprehensive corporate plan?
   ○ Yes x No
33. Is there a strategy in formulating partnership with outside agencies in fighting corruption?
   x  Yes  o  No

34. Is there strategy in dealing with media?
   x  Yes  o  No

**Resource Mobilization**

35. Does your agency have budgetary autonomy?
   x  Yes  o  No

36. What is the annual budget of your agency?
   5.3 million euros

37. Is the annual budget determined by (Please choose the answer/s that best fits your agency)

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<thead>
<tr>
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<th>Number of staff</th>
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<tr>
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<td>Number of investigations</td>
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<td>Budget is constitutionally mandated</td>
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<td>x</td>
<td>Other, please specify: The budget is determined by:</td>
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<td></td>
<td>A) the personnel</td>
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<td>B) the investments</td>
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<td>C) current expenditures</td>
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<td>B and C are determined according to the programmes and plans into place.</td>
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38. How much does it roughly cost to (please enter the dollar amount per stated activity)
Non determined.

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<th>File a case</th>
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<th>Manage a paper case</th>
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39. Any Donor Involvement?
   o  Yes  x  No

40. Does your agency use a computerized system to handle cases?
   x  Yes  o  No

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Social Environment

41. Does your agency offer a mechanism for citizens to report anonymously complaints or offer information on corrupt activities?
   x Yes  ○ No

42. Does your agency or government provide a hotline to report corruption?
   ○ Yes  x No

43. Does your agency produce regular public reports of its activities?
   x Yes  ○ No