

COUNTRY: SPAIN

SCORE: 76.25 | RANK: 11/24

Spain has comprehensive privacy legislation, although it relies heavily on a data registration process that could act as a barrier for cloud computing services.

Spain has up-to-date cybercrime legislation and has ratified the Convention on Cybercrime. Spain also has comprehensive electronic commerce and electronic signature legislation, and Internet service providers (ISPs) are free from any Internet filtering or censorship.

Some minor gaps exist in intellectual property protection, especially regarding ISP liability.

Spain is a very active participant in international forums and supports international standards development and interoperability.

Spain recorded significant gains in information technology (IT) infrastructure in 2015 (the fifth-biggest mover out of the 24 countries in the study). In the Digital Agenda for Spain, released in 2013, Spain reaffirmed its commitment to achieve the European Commission set targets for all households to have download speeds of at least 30 megabits per second (Mbps) by 2020, and 50% of households at 100 Mbps by 2025.

Spain's overall scores remained fairly steady. The country's rank has not changed since 2013, and it is still placed 11th in the 2015 rankings.

Q SPAIN	RESPONSE	EXPLANATORY TEXT
DATA PRIVACY (SCORE: 7/10 RANK: 11/24)		
1. Are there laws or regulations governing the collection, use, or other processing of personal information?	✓	Organic Law 15/1999 of Dec. 13, 1999, on the Protection of Personal Data (Ley Orgánica 15/99 de 13 de Diciembre 1999 de Protección de Datos de Carácter Personal (LOPD)). The law is often referred to simply as the Data Protection Act. The law was strengthened and updated by royal decrees in 2009 and 2010.
2. What is the scope and coverage of privacy law?	Comprehensive	The legislation is comprehensive, covering all sectors.
3. Is the privacy law compatible with the Privacy Principles in the EU Data Protection Directive?	✓	Spain is bound by the European Union (EU) Directive, and its legislation is compatible with the text of the EU Directive.
4. Is the privacy law compatible with the Privacy Principles in the APEC Privacy Framework?	✓	Spain is not a member of Asia-Pacific Economic Cooperation (APEC). The Spanish legislation is equivalent to, or more far-reaching than, the APEC Privacy Principles.
5. Is an independent private right of action available for breaches of data privacy?	Available	Article 18 of the Spanish Constitution includes broad privacy rights, including "the right of honour, personal, and family privacy and identity" and "secrecy of communications." A private right of action is therefore available, although, in practice, most cases are resolved using the Data Protection Act rather than private rights.
6. Is there an effective agency (or regulator) tasked with the enforcement of privacy laws?	National regulator	The Spanish Data Protection Agency (Agencia Española de Protección de Datos) <www.agpd.es> is the national regulator. Regional data protection agencies also operate in Madrid, Catalonia, and the Basque Country.
7. What is the nature of the privacy regulator?	Sole commissioner	An independent commissioner is appointed by royal decree on advice from the minister of justice.
8. Are data controllers free from registration requirements?	✗	The Spanish privacy legislation includes extensive registration requirements. While there is no registry of data controllers or data storage and transfer activities, the Spanish Data Protection Agency (Agencia Española de Protección de Datos) <www.agpd.es> does maintain a registry of databases that contain personal data.

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9. Are cross-border transfers free from registration requirements?	✘	<p>Transfer to countries within the European Union or European Economic Area are free from registration requirements.</p> <p>Article 33 of the Data Protection Act provides that transfers of personal data to countries that do not provide a level of protection comparable to that provided by the act, in addition to complying with the act, also require prior authorization from the director of the Data Protection Agency, "who may grant it only if adequate guarantees are obtained."</p> <p>In practice, a signed agreement between the exporter and importer of the data, on terms developed by the Spanish Data Protection Agency (Agencia Española de Protección de Datos) <www.agpd.es>, is taken to be an adequate guarantee of the protection of the data involved.</p>
10. Is there a breach notification law?	🕒	<p>Spain has limited data breach notification requirements. These are reflected in the notification system developed and operated by the Spanish Data Protection Agency (Agencia Española de Protección de Datos) <www.agpd.es>. In compliance with EC Regulation No. 611/2013, service providers are required to report data breaches via an online notification form within 24 hours. Individuals affected by the data breach need not be notified where service providers can show evidence that security measures have been implemented that have rendered the data in question unintelligible. It should be noted that both the law and subsequent notification requirements are limited to breaches that occur in the context of providing electronic communication services.</p> <p>Mandatory security measures for data controllers and processors were first introduced in Royal Decree 1720/2007. The law requires the mandatory development of an internal register of all customers affected by the breach, but notification is voluntary.</p>
SECURITY (SCORE: 6.4/10 RANK: 8/24)		
1. Is there a law or regulation that gives electronic signatures clear legal weight?	✔	The Spanish Law on Electronic Signatures 2003 sets out relevant concepts and terminology, introduces a digital signature for legal entities, and establishes certification infrastructure.
2. Are ISPs and content service providers free from mandatory filtering or censoring?	✔	There is no government Internet filtering or censorship in Spain, however the law forbids the dissemination of material that promotes discrimination, hate and violence, and this includes web-based content. In addition, sites may be blocked for copyright infringement under the Law on the Sustainable Economy 2011 (Ley Sinde), which is discussed in the intellectual property sections.
3. Are there laws or enforceable codes containing general security requirements for digital data hosting and cloud service providers?	Limited coverage in legislation	There are some limited security requirements set out in privacy legislation. Other regulations apply to specific sectors and to critical infrastructure, but these are generally not applicable to general data hosting.
4. Are there laws or enforceable codes containing specific security audit requirements for digital data hosting and cloud service providers?	None	There are no specific security audit requirements in Spain.
5. Are there security laws and regulations requiring specific certifications for technology products?	Comprehensive requirements (including common criteria)	Certification requirements are common in Spain, and Spain is a Certificate Authorizing Member (the highest level) of the Common Criteria Recognition Arrangement (CCRA) <www.commoncriteriaportal.org>.
CYBERCRIME (SCORE: 8.8/10 RANK: 9/24)		
1. Are cybercrime laws in place?	✔	The Spanish Penal Code includes coverage of cybercrime. Royal Decree 3/2010 strengthened these provisions.
2. Are cybercrime laws consistent with the Budapest Convention on Cybercrime?	✔	The Spanish Penal Code was amended and strengthened by Royal Decree 3/2010 to ensure compliance with the Convention on Cybercrime. Spain ratified the Cybercrime Convention in June 2010.
3. What access do law enforcement authorities have to encrypted data held or transmitted by data hosting providers, carriers or other service providers?	Not stated	<p>Access to third-party stores of encrypted data is not yet covered by Spanish legislation, although there have been several proposals to reform this area of law.</p> <p>In 2015, a high-profile case included specific charges against individuals for using encrypted email (among other charges), resulting in further questions about the appropriate regulation of encryption.</p>

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4. How does the law deal with extraterritorial offenses?	Comprehensive coverage	Generally, the jurisdiction of the Spanish courts is limited to the principle of territoriality (when the criminal act took place on Spanish soil) or the principle of personality (when the perpetrator of the crime is Spanish). However, the law also recognizes jurisdiction under the principle of "protection of national integrity" regardless of who committed the crime. Use of this principle is becoming increasingly common in Spain.
INTELLECTUAL PROPERTY RIGHTS (SCORE: 15.2/20 RANK: 13/24)		
1. Is the country a member of the TRIPS Agreement?	✓	Spain became a member of the TRIPS Agreement in 1995.
2. Have IP laws been enacted to implement TRIPS?	✓	Spain has implemented the TRIPS Agreement in local law.
3. Is the country party to the WIPO Copyright Treaty?	✓	Spain signed the WIPO Copyright Treaty in 1996, and ratified it in 2009. It entered into force in Spain in March 2010.
4. Have laws implementing the WIPO Copyright Treaty been enacted?	✓	Spain has implemented the provisions of the treaty.
5. Are civil sanctions available for unauthorized making available (posting) of copyright holders' works on the Internet?	ⓘ	<p>Law 2/2011 on the Sustainable Economy (Ley Sinde) focuses exclusively on information society service providers that may violate copyright. It is not aimed at users that illegally make available copyrighted material.</p> <p>It has been difficult to implement further civil sanctions in Spain, as this requires the cooperation of network operators and access providers. Also, Internet protocol (IP) addresses are protected by personal data protection laws (refer to case C-275/06, Promusicae v. Telefonica).</p> <p>Spanish copyright law was amended and strengthened by the passage of the Intellectual Property Act (21/2014), with the new provisions in effect since Jan. 1, 2015.</p>
6. Are criminal sanctions available for unauthorized making available (posting) of copyright holders' works on the Internet?	ⓘ	<p>Article 270 of the Spanish Penal Code states that it is a criminal offense to reproduce, plagiarize, distribute, or publicly communicate a copyrighted work, with lucrative intent and without the authorization of the rights holder. Sanctions include fines and imprisonment from six months to two years.</p> <p>However, Circular 1/2006 from Spain's Office of the Prosecutor-General (Attorney General) explains that unauthorized uploading or downloading of copyright protected materials over the Internet, including via peer-to-peer (P2P) systems, does not meet the requirements for consideration as criminal offenses under Article 274 of the Criminal Code unless such acts are "for commercial profit." The Spanish government has stated that the circular is not binding on any judge, but in practice it has hampered Internet piracy enforcement.</p>
7. Are there laws governing ISP liability for content that infringes copyright?	✓	<p>Law 34/2002 on Information Society Services and Electronic Commerce (LSSI) and the EU E-Commerce Directive (2000/31/EC) provide a limited liability regime for ISPs.</p> <p>The new Spanish Intellectual Property Act (21/2014) also has some limited provisions relating to ISP liability. These have been in force since Jan. 1, 2015.</p>
8. Is there a basis for ISPs to be held liable for content that infringes copyright found on their sites or systems?	✓	<p>Article 16 of the Law on Information Society Services and Electronic Commerce (LSSI) establishes liability for an ISP if it has "effective knowledge" of the infringement and does not act to remove or block access to the infringing content. However, rights holders cannot establish effective knowledge on the part of an ISP by directly notifying a site operator of the presence of infringing material on the operator's site or service. Instead, rights holders must submit evidence to a court or administrative body that has previously declared such content illegal.</p> <p>However, in one case in 2010 (SGAE v. Asociación de Internautas (2004-2010) <www.internautas.org/pagweb/11.html>), the Spanish Supreme Court ignored Article 16 and applied the EU E-Commerce Directive to find an ISP liable for hosting defamatory material provided by a third party.</p> <p>The new Spanish Intellectual Property Act (21/2014) also has some limited provisions relating to ISP liability. These have been in force since Jan. 1, 2015. However, their impact seems to be limited to situations where the provider has directly benefited from the copyright infringement.</p>

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9. What sanctions are available for ISP liability for copyright infringing content found on their site or system?	Civil	<p>The sanctions available are shutting down of websites and orders to remove infringing content. Further, noncompliance of the Article 11 of the Law on Information Society Services and Electronic Commerce (LSSI) (i.e., an intermediary service provider's noncompliance with instructions to suspend specified services received from the competent administrative body) is classified as a "very serious" infraction, carrying a fine of between 150,000 and 600,000 euros. If two or more serious infractions are committed within three years, the ability to operate in Spain may be prohibited for a maximum period of two years.</p> <p>However, criminal prosecutions on ISP liability have been unsuccessful. The <i>Sharemula v. Brigade of Technological Investigations (2008)</i> <derecho-internet.org/proyectos/procedimientos-libres> case held that a website did not carry out a criminal offense under the Spanish Criminal Code because its activity could not be considered as a communication to the public. (The site itself had no illegal content but provided links to P2P channels from which downloads could be obtained.) Further, the court found that the site and its administrators had not engaged in copyright infringement for publishing links to P2P networks as such act had no commercial purpose.</p>
10. Must ISPs take down content that infringes copyright, upon notification by the right holder?	✓	<p>Under the Law on the Sustainable Economy (Ley Sinde), the following steps are required prior to closure of a website that contains infringing content:</p> <ol style="list-style-type: none"> 1. The rights holder requests that the Intellectual Property Commission initiate proceedings against the offending website. The commission will contact the website or ISP, informing it of the alleged infringement and requesting that it remove the content in question, or give reasons why it will not remove content. 2. The ISP has 48 hours to comply or submit an appeal why the content should remain. 3. The commission has another 48 hours to consider its decision. 4. Parties are given five days to submit reports. 5. The commission has three days to issue a resolution, and the appointed judge will rule whether the suspected website is guilty of breaching Internet protocol (IP) rights and will be shut down. Final decisions by the commission must be approved by a judge. 6. If the website doesn't adhere to such a decision, the case will be brought forward before the Court of Contentious Administrative Proceedings. <p>Also, under Article 11 of the Law on Information Society Services and Electronic Commerce (LSSI), intermediary ISPs are under the obligation to cooperate when a competent body (defined as "all jurisdictional or administrative bodies ... which exercise legally attributed powers") demands that content be removed or that the rendering of a service be discontinued.</p> <p>The new Spanish Intellectual Property Act (21/2014) also has some limited provisions relating to ISP liability. These have been in force since Jan. 1, 2015.</p>
11. Are ISPs required to inform subscribers upon receiving a notification that the subscriber is using the ISP's service to distribute content that infringes copyright?	✗	<p>There is no specific notice requirement.</p> <p>Also, in Spain, processing IP addresses to pass on infringement warning notices to users is prohibited, unless the ISP obtains the consent of the data subjects. Data disclosure is regulated by Article 11 of the Data Protection Act, which does not allow data disclosure to initiate a civil action, unless the ISP obtains the consent of the data subjects. In addition, this would violate the Data Retention Act, since personal data retained under this act can be processed only for limited purposes, which do not include disclosing data to right holder to enable them to warn Internet users.</p> <p>The new Spanish Intellectual Property Act (21/2014) also has some limited provisions relating to ISP liability. These have been in force since Jan. 1, 2015. They do not include any requirement for notices to be sent to subscribers.</p>
12. Is there clear legal protection against misappropriation of cloud computing services, including effective enforcement?	Comprehensive protection	<p>Spain has some minor gaps in copyright protection, but it has strong privacy and cybercrime provisions. The overall level of protection for cloud computing services may suffer from inconsistencies in enforcement.</p>

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SUPPORT FOR INDUSTRY LED STANDARDS & INTERNATIONAL HARMONIZATION OF RULES (SCORE: 10/10 RANK: 1/24)		
1. Are there laws, regulations or policies that establish a standards setting framework for interoperability and portability of data?	✓	The Spanish Association for Standardization and Certification (Asociación Española de Normalización y Certificación (AENOR)) <www.aenor.es> was established in 1986 by a legal decree recognizing it as the sole standards-setting body in Spain.
2. Is there a regulatory body responsible for standards development for the country?	✓	The Spanish Association for Standardization and Certification (Asociación Española de Normalización y Certificación (AENOR)) <www.aenor.es> is a private, nonprofit organization.
3. Are e-commerce laws in place?	✓	Law 34/2002 on Information Society Services and Electronic Commerce (LSSI), referred to as the E-Commerce Act, provide a comprehensive approach to e-commerce law.
4. What international instruments are the e-commerce laws based on?	UNCITRAL Model Law on E-Commerce	The E-Commerce Act implements the EU E-Commerce Directive (2000/31/EC) into Spanish law. It is largely based on the UNCITRAL Model Law on E-Commerce.
5. Is the downloading of applications or digital data from foreign cloud service providers free from tariff or other trade barriers?	✓	There are no relevant tariffs or other trade barriers in Spain.
6. Are international standards favored over domestic standards?	✓	Spain favors EU and international standards.
7. Does the government participate in international standards setting process?	✓	Spain is an active participant in EU and International Standards Organization (ISO) standards development processes.
PROMOTING FREE TRADE (SCORE: 9.4/10 RANK: 3/24)		
1. Are there any laws or policies in place that implement technology neutrality in government?	✓	The 2007 Law on Citizens' Electronic Access to Public Services (also known as "Law on e-Government") includes a technology neutrality principle.
2. Are cloud computing services able to operate free from laws or policies that mandate the use of certain products (including, but not limited to types of software), services, standards or technologies?	✓	There are no relevant mandatory product requirements in Spain.
3. Are cloud computing services able to operate free from laws or policies that establish preferences for certain products (including, but not limited to types of software), services, standards or technologies?	✓	There are no specific preferences in Spain. However, the Spanish Parliament passed a nonbinding resolution promoting open-source software in 2007. Open-source policies have been implemented in some local government regions.
4. Are cloud computing services able to operate free from laws that discriminate based on the nationality of the vendor, developer or service provider?	✓	Procurement is governed by the Law 30/2007 on Contracts of the Public Sector. There is no domestic preference requirement in Spain. Spain is a member of the updated World Trade Organization (WTO) plurilateral Agreement on Government Procurement (all European Union members are covered by the EU membership since April 2014).

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IT READINESS, BROADBAND DEPLOYMENT (SCORE: 19.5/30 RANK: 10/24)		
1. Is there a national broadband plan?	<ul style="list-style-type: none"> By 2020, 100% of population to have access to speeds of at least 30 Mbps By 2025, 50% of households at 100 Mbps 	<p>In the Digital Agenda for Spain, released in 2013, Spain reaffirmed its commitment to achieve the European Commission set targets for all households to have download speeds of at least 30 megabits per second (Mbps) by 2020, and 50% of households at 100 Mbps by 2025.</p> <p>Furthermore, Spain's Avanza I (Advanced Infrastructures Program) (2008-2011) set a number of broadband targets:</p> <ul style="list-style-type: none"> By 2011, minimum speed of 1 Mbps broadband access available to 100% of population By 2015, 100 Mbps broadband available to 50% of population <p>Spain has developed a number of sequential broadband strategies:</p> <ul style="list-style-type: none"> Avanza Infrastructures Programme (Advanced Infrastructures programme) (2008-2011) The objective of "Avanza Infrastructures" funding program is to facilitate investments to extend telecommunication services coverage to isolated and rural areas. Additionally, the target is to provide telecommunications services with conditions similar to those available in urban areas in order to foster economic development and the integration of citizens in the information society. The objective is to continue PEBA program successes by increasing broadband coverage in very small population centers. The objective is also to improve bandwidth and network capacity provided by telecommunication operators at rural areas. Avanza II Infrastructures Programme (Advanced Infrastructures programme) (2011-2015) <p>Details of funded programs under Avanza II are limited.</p> <p>Note: The European Commission has set goals under the Digital Agenda for Europe initiative <ec.europa.eu/digital-agenda/en/broadband-strategy-policy> for EU-wide broadband coverage with speeds above 30 Mbps by 2020 and for 50% of EU households being subscribed to a broadband service with speeds above 100 Mbps by 2020.</p>
2. Are there laws or policies that regulate the establishment of different service levels for data transmission based on the nature of data transmitted?	Regulation under consideration by government and extensive public debate	<p>Spain does not have specific net neutrality regulation, though general competition law applies.</p> <p>There was debate in the media over the issue in 2010, when the Spanish government and Spain-based telecommunication stakeholders responded to the European Commission's public consultation on net neutrality.</p> <p>With regard to wider European Union legislation, Regulation (EU) 2015/2120 of the European Parliament and of the Council was adopted on 25 November 2015, laying down measures concerning open internet access <eur-lex.europa.eu/legal-content/EN/NOT/?uri=CELEX:32015R2120>. Article 3.3 of the regulation requires providers to treat all data equally, irrespective of content or the applications or services used to deliver it. However, it also states that this does not prevent providers from implementing "reasonable traffic management measures."</p>
3. Base Indicators		
3.1. Population (millions) (2014)	47	<p>In 2014, the population of Spain increased by 0.4%.</p> <p>[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/ITU-D/ict/publications/world/world.html>]</p>
3.2. Urban Population (%) (2014)	79%	[World Bank, Data Catalog, Indicators, Urban Population (2015) <data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS>]
7.3. Number of Households (millions) (2014)	16	<p>In 2014, the number of households in Spain increased by 0.3%.</p> <p>[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/ITU-D/ict/publications/world/world.html>]</p>
3.4. Population Density (people per square km) (2014)	93	[World Bank, Data Catalog, Indicators, Population Density (2015) <data.worldbank.org/indicator/EN.POP.DNST>]
3.5. Per Capita GDP (US\$ 2014)	\$30,262	<p>In 2014, the per capita gross domestic product (GDP) for Spain increased by 1.4% to US \$30,262.</p> <p>[World Bank, Data Catalog, Indicators: GDP per capita, current US\$ (2015) <data.worldbank.org/indicator/NY.GDP.PCAP.CD> and GDP growth, annual % (2015) <data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG>]</p>

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3.6. IT Service Exports (2014) (billions of US\$)	49.86	In 2014, the value of IT service exports for Spain increased by 7.8% to US \$49.86 billion. The five-year compound annual growth rate (CAGR) from 2009-2014 was 6.8%. Please note: This 2014 amount is an estimate based upon an average growth rate calculated from previous years. As at January 2016, the 2014 amount was not available in the World Bank Data Catalog. [World Bank, Data Catalog, Indicators: ICT Service Exports US\$ (Dec 2015) <data.worldbank.org/indicator/BX.GSR.CCIS.CD>]
3.7. Personal Computers (2014) (% of households)	74%	In 2014, 74% of households in Spain had personal computers. This is an increase of 0.9% since 2013, and ranks Spain 44 out of 183 countries surveyed. The growth from 2013 is below the five-year CAGR from 2009 to 2014 of 2.2%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/en/ITU-D/Statistics/Pages/publications/wtid.aspx>]
4. IT and Network Readiness Indicators		
4.1. ITU ICT Development Index (IDI) (2015) (Score is out of 10 and covers 167 countries)	7.66	Spain's ITU ICT Development Index (IDI) for 2015 is 7.66 (out of 10), resulting in a rank of 26 (out of 167) countries. The 2015 IDI for Spain increased by 3.8%, and the IDI ranking improved by two places from a rank of 28 since 2013. [International Telecommunication Union (ITU), Measuring the Information Society (Dec 2015) <www.itu.int/en/ITU-D/Statistics/Pages/publications/mis2015.aspx>]
4.2. World Economic Forum Networked Readiness Index (NRI) (2015) (Score is out of 7 and covers 143 countries)	4.73	Spain has a Networked Readiness Index (NRI) score of 4.73 (out of 7), resulting in a rank of 34 (out of 143) countries and a rank of 22 (out of 31) in the high income: OECD grouping of countries. The 2015 NRI for Spain increased by 0.9% and the ranking has remained the same since 2014. [World Economic Forum, Global Information Technology Report (2015) <reports.weforum.org/global-information-technology-report-2015>]
4.3. International Connectivity Score (2014) (Score is out of 10 and covers 52 countries)	4.33	Spain has an International Connectivity Score of 4.33 (out of 10), resulting in a rank of 14 (out of 26) in the innovation-driven grouping of countries. [International Connectivity Scorecard (2013) <www.connectivityscorecard.org>]
5. Internet Users and International Bandwidth		
5.1. Internet Users (millions) (2014)	34	[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/ITU-D/ict/publications/world/world.html>]
5.2. Internet Users as Percentage of Population (2014)	72%	In 2014, 72% of the population in Spain used the Internet, resulting in a ranking of 45 out of 199 countries surveyed. This represents an increase of 2.5% since 2013. The growth from 2013 is below the five-year CAGR from 2009-2014 of 3.7%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/en/ITU-D/Statistics/Pages/publications/wtid.aspx>] Note: There may be some variations as to how countries calculate this. Some countries base this upon all or part of the population, such as between 16 and 72 years of age.
5.3. International Internet Bandwidth (2014) (bits per second per Internet user)	111,545	The International Internet Bandwidth (per Internet user) of Spain has increased by 9% since 2013. The growth from 2013 is below the five-year CAGR from 2009-2014 of 26.1%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/ITU-D/ict/publications/world/world.html>]
5.4. International Internet Bandwidth (2014) (total gigabits per second [Gbps] per country)	4,000	Spain has increased its International Internet Bandwidth by 16% since 2013 to 4,000 Gbps, and is ranked 10 out of 215 countries surveyed. The growth from 2013 is below the five-year CAGR from 2008-2013 of 32%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/ITU-D/ict/publications/world/world.html>]
6. Fixed Broadband		
6.1. Fixed Broadband Subscriptions (millions) (2014)	12	Spain has increased the number of fixed broadband subscribers by 6% since 2013 to 12 million, and is ranked 13 out of 215 countries surveyed. The growth from 2013 is close to the five-year CAGR from 2009-2014 of 6%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/ITU-D/ict/publications/world/world.html>]
6.2. Fixed Broadband Subscriptions as % of households (2014)	75%	[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/ITU-D/ict/publications/world/world.html>] Note: This may be skewed by business usage in some countries.

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6.3. Fixed Broadband Subscriptions as % of population (2014)	27%	<p>Spain has increased its fixed broadband subscriptions (as a % of the population) by 4.4% since 2013, which is below the five-year CAGR from 2009-2014 of 4.9%. This ranks Spain 38 out of 215 countries surveyed.</p> <p>[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/ITU-D/ict/publications/world/world.html>]</p> <p>The Organization for Economic Cooperation and Development (OECD) figures below present a breakdown on the type of fixed broadband connections in Spain.</p> <p>In the OECD during 2014, Spain was ranked 22 out of 34 for fixed broadband subscribers as a percentage of population [OECD Broadband Subscribers (July 2015) <www.oecd.org/sti/ict/broadband>]</p> <ul style="list-style-type: none"> • DSL: 19.3% • Cable: 4.7% • Fiber/LAN: 3.4% • Fixed wireless: 0.2% <p>Total: 27.6% (12.8 million subscriptions). The OECD average total for 2014 was 28.2%.</p> <p>Spain's fixed broadband growth for 2014 was 9.9% (ranked 9 out of 34 for growth), above the OECD average growth of 7.7%.</p> <p>In Spain, fiber makes up 12.2% of fixed broadband subscriptions (ranked 14 out of 34), below the OECD average of 17%. The growth in fiber subscriptions for 2014 was 151% (ranking Spain 2 out 34 for growth) and significantly above the OECD average of 13%.</p> <p>Note: From July 2015 OECD adjusted its definitions of fixed and mobile broadband by transferring the categories satellite and fixed wireless from mobile to fixed broadband.</p> <p>Note: Fiber subscriptions data includes FTTH, FTTP and FTTB and excludes FTTC.</p> <p>Note: There may be minor variations in the ITU and OECD subscriber totals due to definition or timing differences.</p>
6.4. Fixed Broadband Subscriptions as % of Internet users (2014)	36%	[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (June 2014) < www.itu.int/ITU-D/ict/publications/world/world.html >]
7. Mobile Broadband		
7.1. Mobile Cellular Subscriptions (millions) (2014)	51	<p>In 2014, Spain increased the number of mobile cellular subscriptions by 1.2% and is ranked 29 out of 215 countries surveyed. The number of subscriptions account for 108% of the population.</p> <p>[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/ITU-D/ict/publications/world/world.html>]</p> <p>Note: This figure may be inflated due to multiple subscriptions per head of population, but excludes dedicated mobile broadband devices (such as 3G data cards, tablets, etc.).</p>

Q SPAIN	RESPONSE	EXPLANATORY TEXT
<p>7.2. Active Mobile Broadband Subscriptions per 100 inhabitants (2014)</p>	<p>77</p>	<p>Spain has increased the number of active mobile-broadband subscriptions (as a % of the population) by 16% since 2013. This ranks Spain 28 out of 215 countries surveyed.</p> <p>[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/ITU-D/ict/publications/world/world.html>]</p> <p>Note: This refers to the sum of standard mobile-broadband and dedicated mobile-broadband subscriptions to the public Internet. It covers actual subscribers, not potential subscribers, even though the latter may have broadband-enabled handsets.</p> <p>The OECD figures below present a breakdown on the type of mobile broadband connections in Spain.</p> <p>For 2014, Spain's OECD rank was 16 out of 34 for mobile wireless broadband subscribers as a percentage of population [OECD Broadband Subscribers (July 2015) <www.oecd.org/sti/ict/broadband>]</p> <ul style="list-style-type: none"> • Standard mobile broadband subscription: 52.9% • Dedicated mobile data subscriptions: 25.1% <p>Total: 78.1% (36.3 million subscriptions). The OECD average total for 2014 was 81.3%.</p> <p>Spain's mobile broadband growth for 2014 was 32.7% (ranked 9 out of 34 for growth), above the OECD average growth of 21.1%.</p> <p>Note: From July 2015, OECD adjusted its definitions of fixed and mobile broadband by transferring the categories satellite and fixed wireless from mobile to fixed broadband.</p> <p>Note: The OECD figures include mobile data subscriptions, which are not as consistently reported in the ITU indicators.</p>
<p>7.3. Number of Active Mobile Broadband Subscriptions (millions) (2014)</p>	<p>36</p>	<p>In 2014, Spain increased the number of active mobile-broadband subscriptions by 16% and is ranked 15 out of 215.</p> <p>[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2015) <www.itu.int/ITU-D/ict/publications/world/world.html>]</p>