

WHAT ARE AIReF STUDIES AND HOW TO COMMISSION THEM?

What are AIReF studies?

AIReF's core activity is the preparation of reports, opinions and studies.

Studies are technical projects commissioned by a public authority in which AIReF analyses a specific matter within its remit and makes the corresponding proposals.

Where are studies regulated?

The legal regime governing AIReF studies is primarily contained in Article 5.3 of Organic Law 6/2013 of November 14th, creating AIReF and in Article 23 of Royal Decree 215/2014 of March 28th, approving its Organic Statute.

Who can request an AIReF study?

AIReF will prepare any studies requested by the Government of Spain, the Fiscal and Financial Policy Council, the National Commission of Local Administrations and the Social Security Financial Commission.

AIReF may also carry out any studies requested by the Autonomous Regions and Local Governments, which must be confined to their jurisdiction and not infringe on the jurisdiction of other public authorities, either of the same or a different level.

In the event that the jurisdiction of public authorities other than the interested party is affected, the request must be made by the Fiscal and Financial Policy Council or by the National Commission of Local Administrations.

The study must be commissioned by the highest governing body of the interested party: the Council of Ministers, the Regional Government or the competent body of the Local Government, etc.

On what subject(s) can studies be requested?

The studies may refer to any subject within AIReF's remit, including those related to budgetary stability, financial sustainability, the evaluation of public policies, the analysis of public spending, etc.

Does AIReF act independently when preparing its studies?

AIReF will act with full organic and functional independence in the preparation of studies (Article 7 of Organic Law 6/2013 and Article 2 of its Organic Statute) and may not request or accept instructions on the preparation of the work or its content.

AIReF is also responsible for defining the methodology, the objective criteria and the specific aspects to be evaluated in the study (Article 23.3 of its Organic Statute).

What do the studies cost?

Prior to preparing a study, AIReF will draw up a budget, which must be accepted by the public authority commissioning the study. The AIReF Resolution of December 18th, 2019, updating the public prices for the preparation of studies (OSG of December 23rd, 2019) will be taken into account when preparing the budget.

In addition to the amount corresponding to the public prices, the budget will include the maximum budget corresponding to the material, technical and service activities, broken down individually, that require outsourcing (Article 4.3 of AIReF's Organic Statute).

The budget will be increased by the amount of Value Added Tax only in the case of studies commissioned by Autonomous Regions and Local Governments (Report of the State Attorney General's Office of March 18th, 2019, Ref: AUIE/MAEC 81/19).

Who do the studies belong to?

The studies drawn up by AIReF will belong to the public authority that commissioned them, once the amount set in the budget has been paid.

Are the studies made public?

AIReF must receive express authorisation from the interested party concerned to publish the study on its website. The Action Plans that AIReF submits for confirmation to the public authorities requesting the studies contain this authorisation for publication.

At any event, any knowledge acquired in the preparation of a study may be applied by AIReF in the performance of its functions as an intermediate

element in other studies, reports or opinions. AIReF may also use the data and information it receives from the public authority commissioning the study to this end.

What is the procedure to commission a study?

The procedure for commissioning a study from AIReF is singular and is regulated in AIReF's specific regulations: Article 5.3 of Organic Law 6/2013 and Article 23 of its Organic Statute.

The commissioning of the study does not require a public tender nor the signing of a collaboration agreement, a management commission or in-house providing. Public authorities may commission studies from AIReF based on AIReF's regulations.

The steps to be followed to commission a study are as follows:

1. A letter or legal document addressed to the President of AIReF from the competent public authority interested in the study, expressing its interest in commissioning the study.
2. AIReF's analysis of whether the prerequisites to prepare the study are met: the legal standing of the interested party, the subject matter of the study, the area of competence involved, the material and human resources available, etc.
3. The preparation of an Action Plan with the budget and timetable to be presented to the interested party for its confirmation.
4. The formal commissioning of the study by the public authority, with confirmation of the Action Plan containing the budget and timetable.
5. Once the preparation of the study has been agreed upon, the interested party may withdraw from the study after notifying AIReF, upon payment of the amounts corresponding to the work units consumed and 10% of the remaining amount.
6. The results of the study shall be submitted to the interested party after payment of the amount set in the budget to AIReF.