



PR2 – INTERACTIVE AND NETWORKING TOOL STATE OF THE ART & BEST PRACTICES IN SPAIN



Developed By:





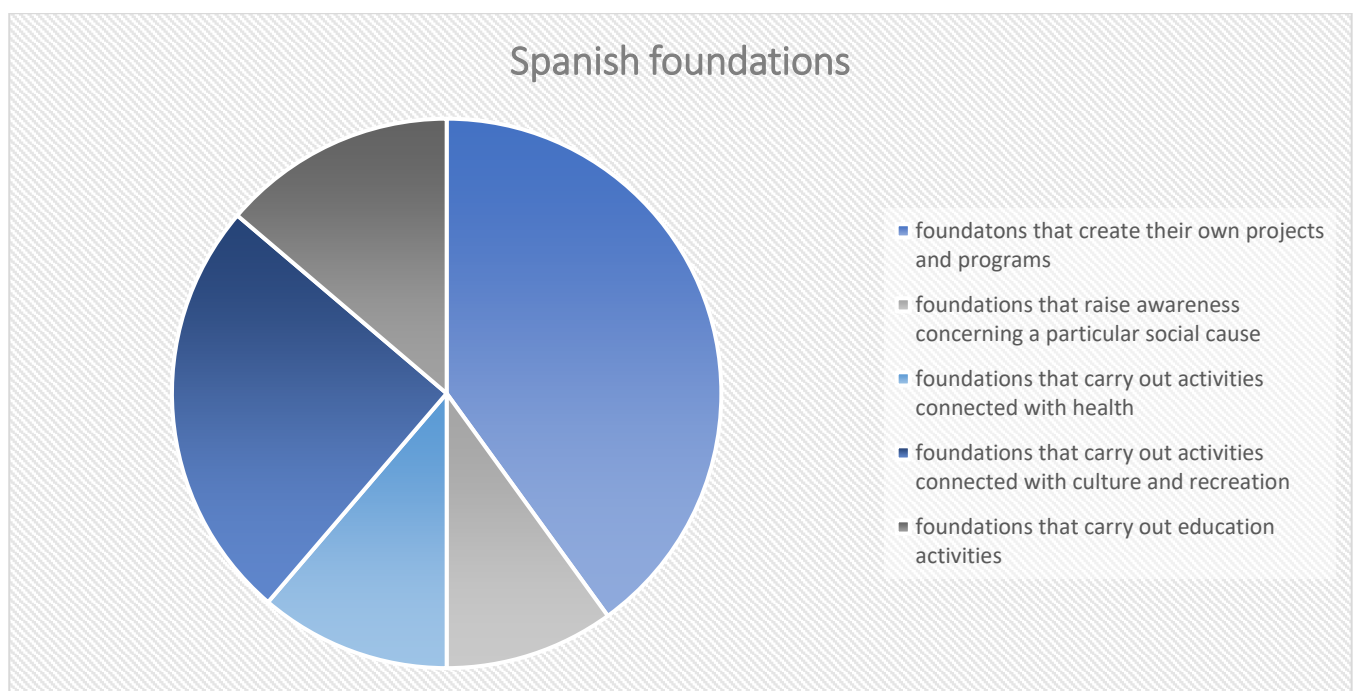
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1. Introduction

The Spanish Constitution is the source of rules of law for non-profit organisations. Associations are regulated by Organic Law 1/2002 in which special rights, tax exemptions or deductions as well as duties are established while foundations are regulated by Law 50/2002 which substituted the Foundation Act 30/1994. However, it is vital to realize that some regions, such as Navarra, Galicia or Cataluña might have some additional regulations concerning the functioning of foundations. What is more, the foundations in Spain are divided into two types: grant-giving foundations which are connected with corporations as well as private initiatives. *Fundación La Caixa* or *UNICEF Spain* are examples of grant-giving foundations which not only develop their own program but they also support the projects of other organizations.

According to *Lexidy Law Botique*, this is the visual representation of the activities performed by foundations in Spain:



According to the Spanish legislation, the activities of a foundation need to bring public benefits and, thus, be related to topics such as: social issues, education, culture, healthcare and the like.

2. Barriers and Supports for Foundations

In Spain, taxpayers are permitted to designate 0.7 percent of their income tax towards social causes. Such a practice started in 1988 and still continues today. The money can be assigned to the Catholic Church or to other social causes whose goal is to help the elderly, families, people with disabilities, migrants or underprivileged people. It is said that most donors tend to select one within very few organizations that have a history of successful fundraising which only emphasizes the importance of a successful fundraising strategy and thus of the FIRST project.

According to "The regulatory framework for fundraising in Europe," organizations are still overly reliant on government funding, particularly if they deal with social welfare and environmental issues. Moreover, according to the observations mentioned in the paper, smaller organizations whose budgets do not reach 1 million euro as well as the bigger ones whose budget is above 25 million euro are generally better equipped to deal with economic crises when compared to medium-sized organizations. The reason for that is the following one: medium-sized organizations grew through the use of public monies which make them more vulnerable.

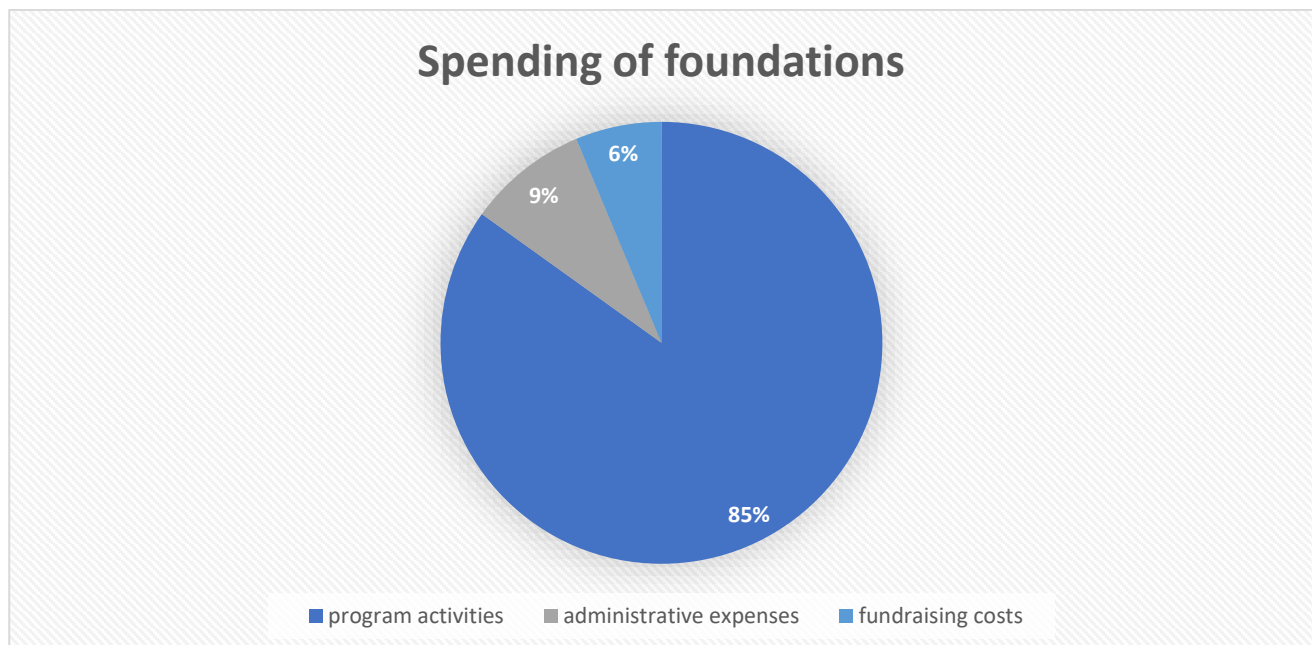
According to the Law 49/2002, foundations as well as public interest associations are tax exempt on the condition that they abide by a fiscal regime and they designate all their funds to social cases. What is more, foundations are expected to be transparent and follow accountability rules. Moreover, they need to be registered either by a natural person or legal entity in a corresponding Register of Foundations whose choice is dependent on aspects such as: legal status, field of activity or location. Foundations are also obliged to prepare annual reports, plans, as well as budgets. Therefore, if a foundation fails to present them for three accounting years in a row, as a consequence its functioning will be dissolved. Additionally, according to the law, only registered entities can name themselves using the word "Foundation." Moreover, if foreign foundations wish to perform activities in Spain, they are required to have delegates who are domiciled within the territory. Such a foreign foundation needs to be authorized by Spanish Register of Foundations. It is key to know that foreign foundations need to conduct various types of activities in Spain which means that fundraising cannot be their sole activity. Another important regulation is the one on anti-money laundering as well as counter-terrorist financing which obligates the foundations to keep records on every donor who grants more than 100 euro.

As observed in "The regulatory framework for fundraising in Europe," in Spain foundations utilize traditional as well as digital fundraising methods. Yet, the most popular methods are charity events (concerts or exhibitions among others), advertising campaigns (conducted offline as well as online), email as well as mail fundraising, and face-to-face fundraising (employed mostly by the largest organizations). Yet, the restriction that foundations face is the legal restriction on the use of personal data, i.e. the law on personal data protection, which deals with the issue of the collection of data, its management, its security as well as its transferability to third parties.

Thanks to the existence of a Code of Best Practices which was developed by the Spanish Association of Fundraising, a set ethical standards and values has been set. The aforementioned standards and values include truthfulness in providing information, efficient fundraising techniques as well as respect for the will of the donor.

"The regulatory framework for fundraising in Europe" also points out the existence of Fundación Lealtad which started functioning in 2001 and since then has promoted good practices within organizations that work on social assistance, environmental projects, or international development. The goal is to increase donations as well as enhance various types of collaboration. The aforementioned good practices deal with: "governing board operations, the clarity of an organization's mission, planning and monitoring activities, communication and truthfulness, transparency about funding, control over spending, annual reporting and legal compliance, and the promotion of volunteering." Not only does Fundación Lealtad offer monitoring of foundations, but also the accredited NGO Seal which shows that a particular foundation is committed to the value of transparency which in turn enhances its trustfulness in the eyes of donors. The seal is valid for two years.

According to the law, foundations need to use 70% of their income for their purposes which means that if they fail to do so, they will be sanctioned. "The regulatory framework for fundraising in Europe" states that, on average, the spending of Spanish foundations look as depicted in the diagram:



Foundations are required to provide beneficiaries as well as stakeholders with detailed information about the activities and objectives.

3. Good Practices

GOOD PRACTICE 1	
Name of the Good Practice	Accompanying the young and their families
Name of the Provider	Fundació Mn Frederic Bara i Cortiella
Short Description (50-70 words)	<p>The foundation recognises the value of each person and believes that it is fundamental for the most disadvantaged children and adolescents to provide them with tools to settle in the host country, to accompany them in their growth process, while preventing and promoting their personality.</p> <p><i>Fundació Mn Frederic Bara i Cortiella</i> generates relationships of affection, acceptance, understanding, empathy and respect for each person, their culture, their origins and their families.</p> <p>The foundation builds the fundraising activities on the basis of these values.</p>
Level (Regional, Local, National)	Local (Reus, Catalonia, Spain)
Tools/Resources/ Services	Website, Facebook, Instagram
Link/ Website	https://www.fundaciobara.org/

GOOD PRACTICE 2	
Name of the Good Practice	Cultural, social and scientific
Name of the Provider	Fundación de Afectados y Afectadas de Fibromialgia y Síndrome de fatiga crónica
Short Description (50-70 words)	<p>The main objective of the foundation is to improve the quality of life of people suffering from Fibromyalgia and Chronic Fatigue Syndrome and achieving their full integration into the society. This implies accessibility to the necessary quality services at all times, regardless of the disease.</p> <p>The foundation directs its fundraising activities mainly to:</p> <ul style="list-style-type: none"> • Information, dissemination, and awareness-raising • Promotion of research • Advocacy

	<ul style="list-style-type: none"> Supporting associations
Level (Regional, Local, National)	Regional (Catalonia, Spain)
Tools/Resources/ Services	Website
Link/ Website	https://www.laff.es/

GOOD PRACTICE 3

Name of the Good Practice	Care of brain-injured people and their socioeconomic inclusion
Name of the Provider	Fundación Closaseguros
Short Description (50-70 words)	The foundation has two offices – one in Madrid and the other one in Barcelona. The objective of the foundation is to protect the human rights of people with brain injuries so that they would be given equal opportunities by means of helping them achieve a perfect integration into society and support them in gaining new skills and developing their talents. The mission of <i>Fundación Closaseguros</i> is built on the following values: commitment, responsibility, solidarity, participation, and transparency.
Level (Regional, Local, National)	National
Tools/Resources/ Services	Website
Link/ Website	https://fundacionclosaseguros.org/

GOOD PRACTICE 4

Name of the Good Practice	Being a benchmark in lifelong formation for the territory of influence of the URV
Name of the Provider	Fundació URV
Short Description (50-70 words)	<i>URV Foundation</i> is an entity that was created by the Universitat Rovira i Virgili in order to foster relationship between the university and society as well as to acknowledge and meet the needs of socio-economic environment by means of lifelong learning and innovation. To be able to perform the activities, the <i>URV Foundation</i> has two centres which are the following ones: The Technology Transfer and Innovation Centre and The Lifelong Learning Centre.

Level (Regional, Local, National)	National and International
Tools/Resources/ Services	Website, Facebook, Instagram, LinkedIn
Link/ Website	https://www.fundacio.urv.cat/en/

GOOD PRACTICE 5	
Name of the Good Practice	Enhancing the Learning Process, Shifting into the 21st Century – teacher training and remote schooling
Name of the Provider	Neuroheart Education Foundation
Short Description (50-70 words)	The <i>NeuroHeart Education Foundation</i> was founded in December 2020 and in February 2021 its fundraising activities began. The idea of the foundation is to train teachers when it comes to topics such as neuroscience, heart science as well as Neurolanguage Coaching. Additionally, the foundation also focuses on homeschooling children that cannot afford any type of schooling. That is why, the idea is to create an innovative curriculum for subjects such as languages, nature, astronomy, maths, physics, chemistry, and biology. Last but not least, the idea is to help schools with acquiring the equipment needed for the delivery of remote schooling, for instance, laptops.
Level (Regional, Local, National)	National and International
Tools/Resources/ Services	Website, Facebook, Instagram, LinkedIn
Link/ Website	https://neurohearteducation.com/

4. Conclusion

The Spanish Constitution serves as the source of rules of law for non-profit organisations. Therefore, Law 50/2002 is devoted specifically to the functioning of foundations. In general it is said that foundations use for their fundraising both traditional as well as digital methods. However, the limitation that they face is connected with the personal data protection laws.

The foundations, which were reached by us within the scope of the project, get fundraising thanks to the activities that they conduct which consist in helping immigrants to settle in the host country, to improve the quality of life of people suffering from Fibromyalgia and Chronic Fatigue Syndrome, to raise awareness, to

promote research, and, to train teachers, to encourage lifelong learning. For the foundations the key competences needed in the employees were the following ones: desire to collaborate, team work, flexibility, taking the initiative, and the ability to adapt.

When asked about the tools used for fundraising, the foundations named: various online platforms, advertisements, contacting people, cooperation, educational courses, sending out information, or interviews. Yet, the foundations admitted that they are aspects of their fundraising strategy that they would like to improve, for instance, transparency, their knowledge of the sector, the ability to maintain the contact with the donors after the finalization of the project, creativity, forms of fundraising online.

The majority of foundations consider the method of storytelling to be worth employing, saying, for instance, that: “storytelling facilitates empathy with the projects and purposes of the foundation” or “the stories of the minors that we consult are most of the time resilient stories that can empower others.” Yet, others view it in the following way “our life stories program is run for information and awareness, not to raise significant funds for the programs” stating that the use of storytelling is significant, yet, not for fundraising purposes in their case. The foundations also name media that would be useful for the dissemination of the stories (through videos or interviews) as well as competences needed for a successful storytelling (creativity, empathy, and good speaking skills).

5. Reference List

Confío. *Accredited NGO seal, what is it?* Retrieved from <https://confio.org.mx/inicio/accredited-ngo-seal-what-is-it/>

Global Regulation. *Law 50/2002, Of 26 December, Foundations.* Retrieved from <https://www.global-regulation.com/translation/spain/1450633/law-50-2002%252c-of-26-december%252c-foundations.html>

Hartay, Eszter and Ivana Rosenzweigová. *The Regulatory Framework for Fundraising in Europe.* Retrieved from https://www.vlada.cz/assets/ppov/rnno/pskvs/The-Regulatory-Framework-for-Fundraising-in-Europe_ECNL-research.pdf

Lexidy Law Botique. *Open a Foundation in Spain.* Retrieved from <https://companyformationspain.com/open-a-foundation-in-spain/>

Lexidy Law Botique. *Create a Foundation in Spain.* Retrieved from <https://www.lawyersspain.eu/create-a-foundation-in-spain>

Mariscal & Abogados. *New regulation on Foundations in Spain.* Retrieved from <https://www.mariscal-abogados.com/new-regulation-on-foundations-in-spain/>