

SOCIAL PROTECTION BENEFITS OF THE AUTONOMOUS COMMUNITIES: LEGAL PROVISIONS FOR MONITORING AND EVALUATING THEIR EFFECTIVENESS, WITH SPECIAL REFERENCE TO THE GUARANTEED MINIMUM INCOME OF CATALONIA AND THE MINIMUM VITAL INCOME OF SPAIN*

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Abstract

All the Autonomous Communities (AC) have social protection benefits to tackle the poverty and vulnerability of individuals, families and household units, to guarantee them the minimum necessary to live in dignity. These are —most of them— economic benefits based on a subjective right, of a periodic nature, conditioned to the fulfilment of the legally established requirements and to the fulfilment of certain obligations. Despite the different regulations for these economic benefits, in all cases it is a right derived from the principle of social cohesion and, also in all cases, they have the same purpose connected to a result: to guarantee those who do not have economic resources the minimum necessary to live in dignity. The purpose of the article is to analyse the legal instruments for monitoring and evaluating this right to guarantee the effectiveness of the benefit, from the perspective of its purpose and its legal nature. There will also be consideration of some possible evaluation parameters applied to the guaranteed minimum income of Catalonia and, finally, it aims to highlight the opportunity that entails the entry into force of the minimum vital income of Spain.

Key words: economic benefits; social protection; effectiveness; economic adequacy; coverage rate; guaranteed minimum income; minimum vital income.

LES PRESTACIONS ECONÒMIQUES DE PROTECCIÓ SOCIAL DE LES COMUNITATS AUTÒNOMES: PREVISIONS LEGALS DE SEGUIMENT I D'AVALUACIÓ DE LA SEVA EFECTIVITAT, AMB ESPECIAL REFERÈNCIA A LA RENDA GARANTIDA DE CIUTADANIA A CATALUNYA I A L'INGRÉS MÍNIM VITAL ESTATAL**Resum**

Totes les comunitats autònomes (CA) disposen de prestacions econòmiques de protecció social per fer front a la situació de pobresa i vulnerabilitat de les persones, les famílies i les unitats de convivència i per garantir-los els mínims d'una vida digna. Es tracta de prestacions econòmiques de dret subjectiu —la majoria—, de caràcter periòdic, condicionades al compliment dels requisits legalment establerts i al compliment de determinades obligacions. Malgrat les diferents regulacions d'aquestes prestacions econòmiques, en tots els casos es tracta d'un dret derivat del principi de cohesió social i, també en tots els casos, tenen la mateixa finalitat, vinculada a un resultat: garantir els mínims d'una vida digna a qui no disposi de recursos econòmics. L'article té per objecte l'anàlisi dels instruments legals de seguiment i d'avaluació del dret per tal de garantir l'efectivitat de la prestació econòmica, des de la perspectiva de la seva finalitat i del seu caràcter jurídic, també es fa una aproximació a uns possibles paràmetres d'avaluació aplicats a la prestació econòmica de la renda garantida de ciutadania a Catalunya i, finalment es vol posar èmfasi en l'oportunitat que suposa l'entrada en vigor de la prestació econòmica estatal de l'ingrés mínim vital.

Paraules clau: prestacions econòmiques; protecció social; efectivitat; suficiència econòmica; taxa de cobertura; renda garantida de ciutadania; ingrés mínim vital.

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1 Introduction

The legal origin of the current social protection benefits of the Autonomous Communities (AC) can be found in article 148) 1, xx), of the Spanish Constitution: “1. The Autonomous Communities may assume competences over the following matters. xx) social assistance”.

In this way, the Constitution wanted to establish a clear difference in competences, which has not been exempt from problems and difficulties, between the exclusive power of the Spanish State regarding Social Security, in article 149) 1, xvii) “Basic legislation and financial system of the Social Security, without prejudice to the implementation of its services by the Autonomous Communities”, and the competence of the Autonomous Communities in social assistance matters.

Regarding the current economic benefits of the AC, it can be said that the path taken to date has been long, diverse, with changes over time and with different results in each AC, despite there being similar or even identical features in most of the legal regulations of these economic benefits.

This path began, first, with the AC assuming the “social assistance” competence through the corresponding statutes of autonomy; second, with the regulation by law or decree of the economic benefits (first for social assistance and then for social protection); later the reform of the various statutes of autonomy¹ in the first decade of the 21st century entailed, with differences between the various statutes, the statutory acknowledgement of the subjective right of individuals, families and household units in poverty to an economic benefit to guarantee the minimum necessary to live in dignity, and regarding those AC that did not reform their statutes of autonomy, the legal acknowledgement of the subjective right to an economic benefit has been updated in more recent laws.

Although there are some AC² that continue having an economic benefit that is not guaranteed, in the sense that it is not a subjective right, most economic benefits that exist today are fundamentally characterised by: first, they are based on a subjective right; second, they are conditioned to the fulfilment of certain requirements, which are generically the same (age, definition of what comprises a family or household unit, length of legal residence, setting of a certain amount that defines the lack of income requirement and which does not always coincide with the amount of the economic benefit), but with significant specific variables in the content of each of the requirements. Third, their enjoyment is also subject to the fulfilment of certain obligations, whose non-compliance may imply the suspension or loss of the right; fourth, they are compatible with other possible economic benefits; fifth, the amount of the economic benefit is very diverse (and normally comprises the necessary amount, when added to any income they may have, to reach the regulated amount of the benefit), and is set by law passed by the Parliament or by decision of the relevant Government. Sixth, the length of time the right can be accessed is regulated, generally the duration of the situation of need.

The article does not aim to analyse any of the previous regulations of the economic benefits,³ but to analyse the legal provisions for monitoring and evaluating the effectiveness of the AC benefits from the perspective that all of them aim to guarantee the minimum necessary for individuals, families and household units in need to live in dignity.

To carry out this analysis, first it will be necessary to examine their object and purpose, then we analyse the existing legal provisions for monitoring and evaluating the effectiveness, and the possible parameters to carry out this evaluation.

Subsequently, the legal obligation of monitoring and evaluation by the AC governments is analysed, and the possible parameters to evaluate the effectiveness of the guaranteed minimum income of Catalonia (RGC, by its acronym in Catalan) are considered.

1 The statutes of autonomy and the ordinary laws analysed are in the section “Bibliography. Analysed legal provisions”.

2 The Autonomous Communities that still have a social protection benefit that is not guaranteed are: The Canary Islands, Castilla-La Mancha and Melilla.

3 In this sense, see [El Sistema Público de Servicios Sociales. Informe de rentas mínimas de inserción. Año 2019](#), of the Ministry of Social Rights and 2030 Agenda.

Finally, but also from the same perspective, future opportunities are considered with regards to the entry into force (1 June 2020) of the minimum vital income (IMV, by its acronym in Spanish), a non-contributory pension of the State Social Security system, and its necessary coordination with the AC benefits.

2 Object and purpose of the AC social protection benefits

The statutory laws and/or ordinary legislation that establish and regulate the economic benefits, beyond what they are called,⁴ define their object and purpose with an objective element, which defines the purpose, and a subjective element, which determines to whom they are addressed.

Thus, they establish that their object and purpose is to guarantee the minimum necessary for their beneficiaries to live in dignity and do so with expressions such as “cover basic needs”, “guarantee economic resources of subsistence”, “guarantee some conditions to live in dignity”, “alleviate situations of personal, social and labour exclusion”, “combat poverty and facilitate social integration”, “coexist with human dignity”, or, in the words of the Statute of Autonomy of Catalonia (article 24.3.), “Those individuals or families who are in a situation of poverty have the right to a guaranteed minimum income that ensures them the minimum necessary to live in dignity”.

Therefore, the individuals, families and household units that “do not have sufficient economic resources or are in a situation or at risk of social exclusion”, “are in a situation of poverty”, “do not have sufficient economic resources to cover their basic needs”, “are in a situation of economic vulnerability”, “are in a situation of need” always have this right, but in accordance with the legal conditions, if they meet the legally established access requirements.

They are, therefore, economic benefits based on a subjective right linked to the purpose of guaranteeing the minimum necessary to live in dignity and, in this sense, they are instruments of the fundamental right to dignity, a right that public authorities must make effective, and this effectiveness should be evaluated from the principle of economic adequacy of the benefits (they must guarantee the minimum necessary to live in dignity) and the principle of coverage (those in a situation of need must be entitled to it), without prejudice, as has been said, to the necessary fulfilment of the legally established requirements, at any time, to access them, and with the understanding that they may always be subject to legal modification, if necessary, to facilitate access.

3 Legal provisions for monitoring and evaluating the effectiveness of the social protection benefits of the AC

Specifically, it is of interest to analyse whether the legal norms that regulate these economic benefits contain provisions for monitoring and evaluating their effectiveness and, if that is the case, their nature and content.

Legal provisions of monitoring and evaluation must be deemed, regarding the principle of economic adequacy, those that regulate the initial determination of their economic amount and those that regulate the evolution/update of the initial amount and, regarding the coverage rate, the provisions that envisage the evaluation of their effectiveness regarding the individuals, families and household units that have accessed them and those that, despite being in need, have not been able to access them.

The legal norms that regulate the initial determination of the economic amount and the evolution/update of the initial amount do so in many different ways.

Regarding the initial determination of the economic amount and also the amount itself, the legal options of the AC are extraordinarily diverse, and can be grouped into:

A first option consisting in not fixing an economic amount and regulating that the amount be determined annually through the Budget Law of the AC or by a governmental decision.

A second option consisting in linking the amount of the economic benefit to a previously existing legal/economic parameter; in this case we find:

⁴ *Guaranteed minimum income, basic insertion income, social basic income, social inclusion income, minimum insertion income, etc.*

- a) Most AC have chosen the public indicator of multiple effects income (IPREM, by its acronym in Spanish)⁵ and, in these cases, the amount of the economic benefit is often a certain percentage, between 100% and 75%, when it is a benefit for one individual only.
- b) Other AC have chosen the minimum interprofessional salary (SMI, by its acronym in Spanish)⁶ as a parameter and, in these cases, the amount of the economic benefit is often a certain percentage of its amount, between 88% and 52% when it is a benefit for one individual only.
- c) Catalonia has chosen the adequate income indicator for Catalonia (IRSC, by its acronym in Catalan)⁷ as the parameter for the amount.

A third option consisting in establishing the initial amount at a specific economic amount without connecting it to any previously existing legal parameters.

In all cases, increased amounts are established when the economic benefit is for a family or household unit, depending on the number of members.

Financing is always charged to the AC budgets and, in those cases—the majority—where there is a subjective right to the benefit, the extendable nature of credits to pay the benefits is legally provided.

Regarding the evolution/update of the initial amount, the legal options are also very diverse:

A first option consists in not envisaging the evolution/update of the amount, so that it is left to the government's discretion, either directly or through the corresponding Budget Law.

A second option has been to link the evolution of the amount of the economic benefit to the evolution of the amount of the parameter used to fix the initial amount.⁸

Finally, there is one AC, the Chartered Community of Navarre, that has regulated an automatic revaluation clause, connected to the “greater value between the increase of the CPI in Navarre and that of the average salaries of Navarre”.

The amounts of the AC benefits in 2020 are extraordinarily different as can be seen in column 1 of table 7 in section 6 below, in which one can also see in column 2, the amount of the IMV benefit, valid since 1 June 2020.

The legal provisions that regulate the evaluation of the coverage rate of the benefits (their effectiveness regarding individuals, families and household units that need them) are also very different.

In nearly all the AC, the legal norm that regulates the social protection benefit creates monitoring and evaluation committees, with various names and different functions, that are barely or extremely specific. The diverse existing legal regulations can be grouped into the following options:

A first option is very generic regulation, in the sense that a periodic evaluation must be carried out.

5 The IPREM is set annually by the Spanish Government and for 2020 was 537.84 euros per month; 6,454.03 euros per year in 12 payments; and 7,519.59 euros per year in 14 payments; the same amount as in 2017, 2018 and 2019. In 2017 it underwent a small economic revaluation compared to 2016, the final year in which the amount had been “frozen” since 2010. The IPREM for 2021 has increased 5% and is 564.90 euros per month, and 6,778.80 euros per year in 12 payments, and 7,908.60 euros per year in 14 payments.

6 The SMI is set annually by the Spanish Government and for 2020 was 950 euros per month in 14 payments and 13,300 euros per year. The amount remains the same in 2021.

7 The IRSC was regulated by Law 13/2006, of 27 July, on social benefits of an economic nature (article 15.2). The IRSC is set annually in the Budget Law of the Generalitat and in 2020 was 664 euros per month (12 payments) and 7,967.73 euros per year; the amount has been the same since 2010.

8 In this sense, the obligation of the Government of the Generalitat to include in the Budget Law bill the necessary budget item to guarantee the effectiveness of the law on the guaranteed minimum income, regulated in the second final provision of Law 14/2017, on budget items, that establishes that “The Government must include in the Bill on the Generalitat's Budget the budget item necessary to guarantee the effectiveness of this law”, and that “The Law on the Generalitat's Budget must annually set the amount of the self-sufficiency income indicator of Catalonia”.

A second, not so generic option consists in envisaging the obligation to evaluate in order to guarantee maximum effectiveness of the economic benefit.

A third option is to establish that the results must be evaluated to make proposals for possible improvements to the benefit.

A fourth option is to expressly envisage the obligation to evaluate the impact of the benefit regarding the objective and subjective elements of its purpose.

Finally, reference must be made to the regulation of the RGC in Catalonia, because it is the most precise regarding the evaluation parameters; Law 14/2017, of 20 July, on the guaranteed minimum income has the following provisions:

- a) Obligation of the Administration of the Generalitat to annually evaluate⁹ the application of Law 14/2017; specifically, it must evaluate the coverage rate of the benefit in the whole population and also the adequacy of the benefit to guarantee the minimum necessary to live in dignity.
- b) Creation of the government committee of the guaranteed minimum income and its task to evaluate the coverage rate of the benefit in the whole population and its economic adequacy.¹⁰

In short, the legal norms that regulate the AC benefits envisage the obligation to evaluate their effectiveness but are these evaluations really carried out? In Catalonia, at the end of 2020, three years after the Law on the guaranteed minimum income entered into force, the Administration and Government of the Generalitat have not met their annual obligations to evaluate the effectiveness of the RGC benefit; but it must be specified that, on 22 December 2020 and as a result of an express and repeated request, the Department of Labor, Social Affairs and Families gave the promoters of the PLI for a guaranteed minimum income the *General evaluation report 2019. Analysis of the coverage rate and economic adequacy*.¹¹

4 The legal obligation to evaluate the effectiveness of the AC social protection benefits and the possible evaluation parameters of their effectiveness

The purpose of guaranteeing the minimum necessary to live in dignity grants special consideration and legal protection to the right to the economic benefits of the AC.

It is undeniable that the Autonomous Community governments have the competence and power, and also the obligation, to decide and execute their public policies, obviously also with regard to these economic benefits; there is absolutely no intention of questioning these powers, the idea is to affirm and emphasise the fact that the governments have some “obligations of results” and also, and this is the object of this work, some obligations to monitor and evaluate their own policies to make the right to economic benefits effective. It is worth mentioning the legal nature of these obligations, although briefly.

4.1 Judgment of the German Federal Constitutional Court, of 9 February 2010 (Hartz case)

The legal obligation to evaluate the adequacy of the economic benefits¹² that must guarantee the minimum necessary to live in dignity, when establishing the amount, was analysed and decided by the German Federal

9 The sixth additional provision of Law 14/2017, on the general evaluation report, provides that “The Administration of the Generalitat must prepare an annual report on the application of this law. This report must evaluate the rate of coverage of the benefit and its economic sufficiency”.

10 Article 23 paragraph 2 letter c) of the Law 14/2017 on the guaranteed minimum income provides that the “Monitoring Body of the guaranteed minimum income” (the RGC monitoring body) has, among its functions, “to evaluate the rate of coverage of the benefit in the whole population and its economic sufficiency”.

11 At the time of writing this article there is no record that this report has been analysed and approved by the government committee on the guaranteed minimum income, and it cannot be found on the Department of Labor, Social Affairs and Families website.

12 See a specific analysis on the question in Alexandre de le Court (2019), *Sufficiency of Social Security Benefits: In Search of Legal Criteria* (6th Regulating for Decent Work Conference in Geneva, Switzerland, 8-10 July 2019).

Constitutional Court, in a Judgment of 9 February 2010, the Hartz case, on the amount of a social assistance benefit (ALG-II system).

This judgment from the German Federal Constitutional Court is cited by Professor Marc Carrillo i Lòpez, to affirm that “It is, therefore, in the judicial logic of these jurisdictional decisions that the provision on the right to the guaranteed minimum income provided in article 24.3 of the Statute of Autonomy of Catalonia is framed within the chapter on social rights”.¹³

Regarding the legal obligation before us, the German Federal Constitutional Court makes the following considerations:

- 1) In a social state under the rule of law, the right to dignity is a fundamental individual right that is enforceable and is linked to the guarantee of the minimum necessary to live, which the State is obliged to guarantee in the form of material aid.
- 2) The subjective right to economic benefits only affects the guarantee, but not its specific level (amount), because the determination of the amount corresponds to the legislative power.
- 3) However, in any case, the courts are to review the determination of the amount of the benefits from two perspectives: first, the courts must check if the amount is manifestly inadequate and, second, if the methodology and parameters used to establish the amount are adequate (they allow to meet the guarantee) for the fundamental right, because this methodology and the parameters do form part of the constitutional guarantee.
- 4) In short, the German Federal Constitutional Court considers that the determination of the amount of these economic benefits are subject to formal requirements: they must use and explain facts and reliable data and convincing methods of calculation to guarantee, when applicable, a subsequent judicial review, which may pass judgment on whether the minimum necessary to live in dignity is guaranteed.
- 5) Insofar as the German legislator had not confirmed that the method of calculation to establish the amount of the economic benefit was based on data that adequately reflected the beneficiaries’ needs, the Court held that the legal norms that had established the amount of the benefits in question were incompatible with the constitutionally recognised right to dignity.

Therefore, the provisions of the legal norms that regulate the AC benefits and the political-legislative decision on their effectiveness must explain facts and reliable data and convincing methods of calculation to guarantee, when applicable, a subsequent judicial review.

The previous legal considerations on the adequacy of the amount of the benefits can be extended to the legal obligation to always evaluate and draw attention to their coverage rate regarding the individuals, families and household units that need them, and who are holders of the right to dignity.

4.2 Some decisions of the Spanish Constitutional Court

Although superficially and from a different perspective, the question of the economic adequacy of the public benefits was analysed by the Spanish Constitutional Court in Judgment 134/1987, of 21 July, as a result of some questions of unconstitutionality raised by the *Tribunal Central de Trabajo* (Central Labour Court) against the article that set the economic limit to the amount of Social Security system pensions of the National General Budget Law for 1983; although regarding contributory pensions the Constitutional Court ruled on the adequacy of a certain amount of the public pensions, regarding articles 40 and 53 of the Constitution and articles 10.2 (right to dignity) and 1.1. (social State clause) and rejected the questions of unconstitutionality raised.

More recently, the Constitutional Court, also indirectly and superficially, tackled the question in Judgment 49/2015, of 5 March, which ruled on an action of unconstitutionality filed by 146 Deputies of various

¹³ Article published in *Revista Catalana de Dret Públic*, issue 56 of June 2018, [The financial crisis and social rights in the public policies of the Generalitat](#), by Marc Carrillo i Lòpez, councillor on the Council for Statutory Guarantees of Catalonia and Professor of Constitutional Law at Pompeu Fabra University.

parliamentary groups against article 2.1 of Royal Decree-Law 28/2012, of 30 November, on measures to consolidate and guarantee the Social Security system, which left without effect the automatic revaluation of pensions of the Social Security public system; the Constitutional Court dismissed the appeal.¹⁴

4.3 The European Social Charter of the Council of Europe

The legal obligation to evaluate the adequacy of the economic benefits that must guarantee the minimum necessary to live in dignity also derives from the European Social Charter of the Council of Europe, a binding international treaty, ratified by Spain regarding the application of article 13,¹⁵ on the right to social assistance.

The European Committee of Social Rights of the Council of Europe is the body that supervises the application of the European Social Charter by member States, using reports filed by the States themselves. This Committee, in its annual report for 2013¹⁶ corresponding to Spain's compliance of the European Social Charter, concluded that the amounts of the social assistance benefits of the AC, at that time, were manifestly inadequate, except for those of the Basque Country (658.50 euros/month) and the Chartered Community of Navarre (641.40 euros/month); the equivalent benefit in Catalonia was the minimum insertion income (RMI, by its acronym in Catalan), with an average amount of 455 euros/month, and in 2017 (until 15 September, when the RGC entered into force) it was 502 euros/month.¹⁷

The European Committee of Social Rights considers that “the fact that social assistance falls within the competence of the Autonomous Communities and autonomous cities does not constitute any excuse to exonerate a State Party of the obligations it has signed up to when ratifying the Charter, as even when national Law attributes the responsibility of exercising a specific function to local or regional authorities, the States Parties to the Charter continue to be compelled, by virtue of their international obligations, to ensure these responsibilities are correctly undertaken”.¹⁸

In fact, it can be said that if the European Committee of Social Rights were to assess the current (2020) amount of the social protection benefits of the AC, as they did in 2012, it would surely continue to consider that they breach article 13.1 of the European Social Charter because the amounts are below the poverty threshold, as can be seen in Table 7 of section 6 below.

4.4 The Statute of Autonomy of Catalonia

In Catalonia, the legal obligation to evaluate the economic adequacy and coverage rate of the benefits that must guarantee the minimum necessary to live in dignity also derives from the Statute of Autonomy of Catalonia.

The Statute of Autonomy of Catalonia, in article 4 sections 2 and 3 has a social clause that recognises the right to live in dignity (article 15.2), so that “those individuals or families in a situation of poverty have the right to a guaranteed minimum income that ensures them the minimum necessary to live in dignity, in accordance with legally established conditions” (article 24.3), and, article 37.1, on guarantees of statutory rights, regulates that “The rights recognised in Chapters I, II and III of this Title bind all the public authorities of Catalonia and, depending on the nature of each right, individual citizens. Regulations passed by the public authorities

14 References for these judgments of the Spanish Constitutional Court have been taken from [Protección por desempleo y derechos fundamentales, el caso español en contexto](#), Alexandre de le Court, 2016, Tirant lo Blanch.

15 “Article 13. The right to social and medical assistance. With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake: 1) to ensure that any person who is without adequate resources and who is unable to secure such resources by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition”.

16 Report cited by Jimena Quesada, Luis. (2014). Sostenibilidad y efectividad de los derechos sociales. Incluso en tiempos de crisis. In Carlos Luis Alfonso Mellado, Luis Jimena Quesada and Maria del Carmen Salcedo Beltrán, *La jurisprudencia del Comité Europeo de Derechos Sociales frente a la crisis económica* (p.13-48). Albacete: Bomarzo.

17 See [Idescat. Statistics on social insertion income. Minimum insertion income. Catalonia.](#)

18 Jimena Quesada, 2014, *op. cit.* Jimena Quesada is a Professor of Constitutional Law and was President of the European Committee of Social Rights of the Council of Europe (2009-2014). Currently (since April 2019) he is an *ad hoc* judge on the European Court of Human Rights and an independent representative (alternate) of the Council of Europe before the FRA (European Union Agency for Fundamental Rights).

of Catalonia shall respect these rights and shall be interpreted and applied in the most appropriate way to ensure their full effectiveness”.

And for that reason, the Government of the Generalitat and the Parliament, when establishing the amount of the RGC benefit (in other words, when setting the amount of the IRSC in the Budget Law) should explicitly evaluate, in accordance with the provisions of the Law on the guaranteed minimum income already mentioned, its economic adequacy and coverage rate. This legal obligation is independent of the specific decision of the Parliament on the economic amount of the benefit, it is clear and must enable us to know and evaluate whether it guarantees the minimum necessary to live in dignity. This is the sense of the sixth additional provision and article 23 of the Law 14/2017 on the guaranteed minimum income transcribed in footnotes numbers 9 and 10.

5 Application of possible monitoring and evaluation parameters of the RGC benefit in Catalonia

Although it far exceeds the objective of this brief article, some considerations are to be given on the evaluation of the economic adequacy and coverage rate parameters of the RGC benefit, which could also be useful to evaluate the other AC benefits.

5.1 Different data that can be taken into account to evaluate economic adequacy

Evaluation of the adequacy of the RGC benefit to guarantee the minimum necessary to live in dignity can be done from different perspectives: one could be the amount that defines the poverty risk threshold, as the Council of Europe/European Committee of Social Rights uses; another could be taking into account the evolution of the amount of the RGC benefit in Catalonia relative to the evolution of the cost of living, and other circumstances could also be considered such as, for example, comparing the economic cost of similar benefits that exist in other AC.

From the perspective of the parameter of the amount that defines the poverty risk threshold, in accordance with this parameter, the following data is available:¹⁹

Table 1

2019	Amount that defines the poverty risk threshold. Statistical Institute of Catalonia (Idescat)	RGC amount from 15.09.2019 Law 14/2017	IRSC amount Budget Law
1 adult	€10,674.1	€7,728	€7,967.73
2 adults	€16,011.2	€11,472	
1 adult and 1 child	€17,078.6	€12,348	
2 adults and 2 children	€22,415.7	€13,224	
5 people		€14,172	

(Compiled by the author from data from the Catalan Government Report, Idescat, Law 14/2017 (RGC) and Law 13/2006 (IRSC)).

In accordance with these data, the amount of the RGC benefit (column 3) during 2019 was lower than the IRSC amount (column 4), and it was also a lot lower than the amount that defines the risk of poverty according to Idescat (column 2).

From the perspective of the evolution of the amount of the RGC benefit in Catalonia relative to the evolution of the cost of living, with the sole interest of drawing attention to the parameter, the following data is available,²⁰ although it is only the data for one person.

19 [Idescat. Annual indicators. Poverty threshold risk. By household composition.](#)

20 [Idescat. Short-term economic indicators. Consumer Price Index \(CPI\).](#)

Table 2

	CPI, general index	IRSC	RGC amount, December	Poverty risk threshold
2007		€7,444.10/yr		€8,183.50/yr
2008		€7,734.16/yr		€8,748.00/yr
2009		€7,888.84/yr		€10,040.34/yr
2010	94.05	€7,967.73/yr		€9,888.73/yr
2017	103.40	€7,967.73/yr	€6,772.57/yr	€10,096.50/yr
2018	104.90	€7,967.73/yr	€7,250.63/yr	€10,981.40/yr
2019	105.80	€7,967.73/yr	€7,728.70/yr	€10,674.10/yr
2020	104.50	€7,967.73/yr	€7,967.73/yr, from April 2020	Not available

(Compiled by the author from data from Idescat and Law 14/2017).

From this parameter the amount of the RGC benefit has lost purchasing power; the amount of IRSC in 2010 is the amount of RGC for one person from 1 April 2020, because gradual implementation has occurred regarding the amount of the benefit and the IRSC amount has been “frozen” since 2010.²¹

In the time between 2010 and 2020, there has been an increase in the cost of living of more than 10 points and the RGC amount is the same as it would have been in 2010.

From the compared perspective of the economic cost of similar benefits that exist in other AC, the data²² available (there are data corresponding to all the AC) for 2019 are the following:

Table 3

2019	Basic amount (1 person)	Maximum amount (household unit)	Total annual cost (million euros)	% of total costs of the AC budget
Catalonia	€644/month	€1,181/month	267,530,528	0.75%
Basque Country	€667.05/month	€947.51/month	422,486,652	3.63%
Chartered Community of Navarre	€623.63/month	€1,247.25/month	103,087,441.69	2.39%
Community of Madrid	€400/month	€900/month	155,296,179.88	0.68%
Valencian Community	€630/month	€990/month	151,391,671.11	0.67%
Aragon	€492/month	€1,080/month	46,762,407.06	0.81%
Castilla-La Mancha	€546/month	€1,100.40/month	17,751,609.46	0.21%
Andalusia	€419.52/month	€779.87/month	107,673,708.50	0.33%
Extremadura	€537.84/month	€860.54/month	47,434,000	0.91%
Principality of Asturias	€448.28/month	€739.65/month	120,746,225.06	2.70%

(Compiled by the author from the source cited in footnote number 3).

Using the aforementioned comparative data of different AC, the idea is just to show, firstly, regarding the amounts of the different benefits, that the amount of the RGC benefit is the highest after that of the Basque Country; secondly, that the total cost of the RGC benefit is also the highest after the cost assumed by the

21 Third transitional provision of Law 14/2017, of 20 July, on the guaranteed minimum income.

22 See footnote number 3. And also, the Department of the Vice-presidency and of the Economy and Finance of the Government of Catalonia, Department of the Economy and Finance of the Basque Government, and the Department of the Economy and Finance of the Chartered Community of Navarre.

Basque Country (although the population of the Basque Country is much lower than that of Catalonia); and, thirdly, regarding the percentage of this cost of the total budget of each AC, Catalonia is below the Basque Country, the Chartered Community of Navarre, the Principality of Asturias, Aragon and Extremadura.

These are undoubtedly public policy options that do not directly serve to evaluate the economic adequacy of the different benefits, but which indicate certain priorities and allow us to verify that in Catalonia there is a significant margin to decide the increase of the amount of the RGC benefit.

Regarding all the different data on the different parameters, the following considerations can be made: with the RGC an important step was taken to reach economic adequacy if we take into account that from September 2017 (RMI, 502 euros/month) it became the RGC (664 euros/month, April 2020). However, the current amount of the RGC continues to be inadequate to guarantee the minimum necessary to live in dignity.

5.2 Data on the application and effectiveness of the RGC benefit regarding its coverage rate

All existing studies on the coverage rate of social protection benefits of the AC draw attention to their extremely low coverage rates. As an example, one can cite the works included in the footnotes.^{23,24}

As regards the RGC specifically, and as a preliminary matter, it must be said that only the Administration and Government of the Generalitat have the necessary data to specifically evaluate the coverage rate of the RGC benefit and, regarding evaluation, the power to make the specific and definite management and economic decisions, or to propose suitable legislative changes (without prejudice to other possible parliamentary legislative initiatives) for the necessary increase of the coverage rate.

That said, the evaluation of the coverage rate to guarantee the minimum necessary to live in dignity can be done from different perspectives: the total population of Catalonia, the population of Catalonia that is at risk of poverty, and the population of Catalonia that is in a situation of severe material deprivation. But it could also be interesting to do a comparative analysis with the coverage rate of similar benefits in other AC.

Regarding the evolution of the data on the RGC benefit coverage rate, at the time of writing this article it has still not been possible to evaluate, with data, the impact of the COVID-19 pandemic on the whole population of Catalonia and, particularly, on the individuals, families and household units that were at risk of poverty and in severe poverty before March 2020. Unfortunately, the economic or social impact will be strong and dramatic and will result in a worsening of their chances of living in dignity.

But the data available in October 2020 allow us to analyse it from the perspective of the necessary evaluation of the effectiveness of the right to RGC.

The Department of Labor, Social Affairs and Families periodically publishes different reports with the main data on implementation of the RGC; the data shown in table 4 below are those provided in the reports dated 5.06.2019 (presented at the meeting of the government committee on the guaranteed minimum income), 26.08.2019 and 30.09.2020,²⁵ and, finally, in the Evaluation Report 2019 given to the promoters of the PLI for a guaranteed minimum income on 22 December 2020. The Generalitat also provides data annually to the Ministry of Social Rights and 2030 Agenda.²⁶

23 European Minimum Income Network (EMIN), 2014. Presentation [Informe sobre las rentas mínimas en España](#) by Graciela Malgesini Rey, EMIN coordinator in Spain.

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Federation of Catalan Social Action Entities (ECAS), July 2017, [Informe INSOCAT per a la millora de l'acció social, núm. 8. La crisi no s'acaba, la pobresa es cronifica](#) and also [Informe Aplicació de la Renda Garantida de Ciutadania. Balanç dels primers mesos](#), July 2018.

24 [El Sistema Público de Servicios Sociales. Informe de rentas mínimas de inserción. Año 2018](#), of the then Ministry of Health, Consumer Affairs and Social Welfare.

25 https://treballiaferssocials.gencat.cat/web/.content/03ambits_tematicos/06pobresa_i_inclusio_social/RendaGarantidaCiutadania/nou_destacats_laterals/Principals_dades_implementacio_RGC.pdf.

26 See footnote number 3.

Table 4

	Beneficiaries
2017	RMI and complements of the Government of the Generalitat to non-contributory pensions, until 15.09.2017: 107,420 ²⁷ people
2017	RGC, from 15.09.2017: 107,420 people
2018	RGC: 114,011 people
2019	RGC: 123,507 people
2020 (30.09)	RGC: 141,097 people

(Compiled by the author from data provided by the Department of Labor, Social Affairs and Families of the Generalitat of Catalonia).

On 15 September 2017, Law 14/2017, of 20 July, on the guaranteed minimum income entered into force with the integration of all the beneficiaries of the previous RMI and of the complements to non-contributory Spanish State pensions into the RGC, which were already managed by the Generalitat, but not a single new incorporation occurred; in other words, during the first year (2017) the coverage rate stayed the same.

In 2018, with the Generalitat's own data, there were 114,011 beneficiaries, an increase of 6,591 beneficiaries, in other words, a 6.1% increase of the coverage rate compared to 2017.

In 2019, with the Generalitat's own data, there were 123,507 beneficiaries, an increase of 9,496 beneficiaries and an 8.32% increase of the coverage rate compared to 2018.

In 2020, up to 30 September, with the Generalitat's own data, there were 141,097 beneficiaries, an increase of 17,590 new beneficiaries and a 14.24% increase of the coverage rate compared to 2019. In fact, the increase mainly occurred from May 2020 (entry into force of Decree 55/2020 and publication of the Generalitat's Budget for 2020); from 1 May to 30 September there was an increase of 14,646 new beneficiaries.

However, the aforementioned data on beneficiaries of the RGC benefit must be related to the populational parameters, the rate of poverty risk and severe material deprivation provided by Idescat.²⁸

Table 5

	Population of Catalonia	Poverty risk rate	Rate of severe material deprivation	RGC beneficiaries	RGC coverage rate in total population	RGC coverage rate in the population at risk of poverty	RGC coverage rate in the population in severe material deprivation
2017	7,555,830	20%	5%	107,420	1.42%	7.10%	28.43%
2018	7,600,065	21.3%	6.5%	114,011	1.50%	7.04%	23.07%
2019	7,675,217	19.5%	5.7%	123,507	1.61%	8.25%	28.23%
2020	7,727,029	(2019) 19.5%	(2019) 5.7%	(30.09.2020) 141,097 people	1.82%	9.36%	32%
		1,506,770 people	440,440 people				

(Compiled by the author from data from Idescat and the same Department of Labor, Social Affairs and Families as in footnote number 25).

27 Some of the cited reports mention 107,134 beneficiaries of the RGC in 2017.

28 Population: [Idescat. Total and foreign population series. Catalonia](#). Poverty risk rate: [Idescat. Statistical Yearbook of Catalonia. At-risk-of-poverty rate. By sex and age groups. 2019](#). Severe material deprivation coverage: [Idescat. European Union indicators. Severely materially deprived people. 2019](#).

The coverage rate of the RGC benefit regarding the total population of Catalonia during 2017, 2018, 2019 and up to the data for September 2020, has been increasing, although slowly and inadequately.

The coverage rate of the RGC benefit regarding the population at risk of poverty during 2017, 2018, 2019 and up to the data for September 2020, has been increasing, although slowly, but in September 2020 the RGC benefit only reached 9.36% of the people in Catalonia who are at risk of poverty.

The coverage rate of the RGC benefit regarding the population in severe material deprivation during 2017, 2018, 2019 and up to the data for September 2020 has increased but only reaches a third of the people (32%) who are in a situation of severe material deprivation in Catalonia.

The evaluation report for this parameter presented by the Government of Catalonia, on 22 December 2020, considers that the coverage rate of the RGC benefit is 167.28% of the “estimates” that the Government itself had made regarding the households that would request the RGC, and 54.2% of the households in a situation of severe poverty, conclusions it reaches without bearing in mind or evaluating the Idescat data in table 5 above, and, as a result, is very far from ensuring “the minimum necessary to live in dignity” for the “individuals or families who are in a situation of poverty” (article 24.3 of the Statute of Autonomy of Catalonia) and the public policies of the Government of Catalonia are far from ensuring “the dignity, safety and full protection of all individuals, especially those who are most vulnerable” (article 42 of the Statute of Autonomy of Catalonia).

Finally, if we analyse the coverage rate data of the various similar benefits that exist in other AC²⁹ (data from all the AC are available) regarding the total population (2019), we find:

Table 6

2019	Coverage rate per 1000 inhabitants	Percentage
Catalonia	14.07	1.407%
Basque Country	50.42	5.042%
Chartered Community of Navarre	54.87	5.487%
Community of Madrid	13.67	1.367%
Valencian Community	8.67	0.867%
Aragon	23.89	2.389%
Castilla-La Mancha	5.04	0.504%
Andalusia	8.98	0.898%
Extremadura	18.86	1.886%
Principality of Asturias	34.04	3.404%

(Compiled by the author from the cited source. Data from all the AC are available, but those chosen seem sufficient for illustrative purposes).

The RGC benefit of Catalonia has a lower coverage rate, regarding the whole population, than the equivalent benefits of the Basque Country, the Chartered Community of Navarre, Aragon, Extremadura and the Principality of Asturias, which are the AC that proportionally allocated more money from their budgets, as has been seen previously.

29 Source: see footnote number 3.

6 Immediate future perspectives and coordination of the AC social protection benefits with the non-contributory pension of the Spanish State Social Security system, the IMV

The Government of Spain, by Royal Decree-Law 20/2020,³⁰ of 29 May, created and regulated the IMV benefit,³¹ with the same purpose as the social protection benefits of the AC —to guarantee the minimum necessary to live in dignity (article 1 Royal Decree-Law 20/2020)— and also shares with these benefits some defining elements of its legal nature as a subjective right (article 2 paragraph 1 Royal Decree-Law 20/2020) to a periodic economic benefit, if access requirements are met, although in others they diverge, particularly regarding the economic amount and the nature of the provision of the minimum necessary of the IMV and the complementary nature of the AC benefits.

What we are interested in highlighting now is, first, what differentiates the IMV from the AC economic benefits and, at the same time, what makes them compatible, so they must be coordinated (first transitional provision, paragraph 13 Royal Decree-Law 20/2020) and, secondly, who has the competence³² to manage the IMV, particularly with reference to Catalonia. Regarding the differences and the compatibility between the IMV and the AC benefits, it must be stated that the IMV is a minimum economic benefit compatible with the similar benefits that already exist in the AC (article 2 paragraph 2 Royal Decree-Law 20/2020), so the beneficiaries of the AC benefits can receive the IMV (article 7.1. letter c Royal Decree-Law 20/2020), if they meet the requirements, and maintain, if appropriate, the right to receive the AC benefit.

The requirements to access the IMV are, in general, the same as those required to access the AC economic benefits (age, minimum length of legal residence, definition of what is considered a family and household unit and lack of economic resources bearing in mind an economic limit over which there is no right to the benefit), although the specific contents of each of these requirements have different regulations for the AC benefits and the IMV;³³ in any case, for the purposes of this article it must be stated that most of the individuals, families and household units that are beneficiaries of the AC benefits will access —should access— the IMV benefit.

The difference in the amount of the various benefits is also noteworthy, a difference arising from the power of each AC to establish them and the characterisation of the IMV as a minimum benefit that can be complemented by the AC benefits. The result of these diverse amounts can be seen in the table below.

Table 7

2020	Basic benefit amount, 1 person	Minimum vital income (IMV), 1 person
Basque Country	€693.73/month	€462/month, flat rate throughout Spain
Valencian Community	€665/month	
Catalonia	€664/month	
Chartered Community of Navarre	€636.73/month	
Extremadura	€537.84/month	

30 Ratified by the Congress of Deputies on 10.06.2020 and currently being urgently processed as a bill: [Proyecto de Ley por la que se establece el ingreso mínimo vital \(procedente del Real Decreto-ley 20/2020, de 29 de mayo\) \(121/000025\)](#).

31 Royal Decree-Law 20/2020, of 29 May, has been modified four times in the first seven months of it coming into force to accelerate processing and facilitate access to those in need, however, at the time of writing this article, its effective application has been rather disappointing.

32 The Constitutional Court has analysed, from various perspectives, the question of distribution of competences in matters of social security and social assistance. For the purposes of this paper, we must take into account Judgment 239/2002, of 11 December, where the Court examines the competence of the AC to complement the non-contributory Spanish State benefits. The Constitutional Court states that they do not infringe upon the State's competence because there is an internal social assistance to the Social Security system, competence of the State, and an external social assistance to the Social Security, competence of the AC. Constitutional Court Judgment number 146/1986, of 25 November, is also important, which examines whether the social action programmes of the State infringe upon the competences of the AC. The Constitutional Court rejects the argument because the State has powers for public spending in the general interest, but it must respect the distribution of competences with the AC, with the understanding that the exclusive competence of the AC in social assistance cannot exclude the activity of the State.

33 See footnote number 3.

2020	Basic benefit amount, 1 person	Minimum vital income (IMV), 1 person
Castilla y León	€500/month	
Aragon	€491/month	
Canary Islands	€486.90/month	
Balearic Islands	€461.50/month	
Castilla-La Mancha	€446.45/month	
Melilla	€458.64/month	
Principality of Asturias	€442.96/month	
La Rioja	€430/month	
Cantabria	€420/month	
Andalusia	€419.51/month	
Murcia	€403/month	
Galicia	€400/month	
Community of Madrid	€400/month	
Ceuta	€300/month	

(Compiled by author from the data appearing on the websites of the different departments of the different Autonomous Community governments and Royal Decree-Law 20/2020, on the minimum vital income).

This table shows that only 8 of the 19 AC (including the autonomous cities of Ceuta and Melilla) have social protection benefits of an amount greater than the IMV amount, something that may have diverse consequences that will be subsequently analysed.

In Catalonia, the RGC is an economic benefit of a subsidiary nature, beneficiaries are obliged to apply for the IMV (article 4 paragraph 2 and article 11 paragraph 2 letter *b* of Law 14/2017), and at the same time it has a complementary nature regarding Spanish State pensions, benefits and aid (article 4 paragraph 5 of Law 14/2017), in other words, the IMV can be accessed and at the same time there can be a right to the RGC benefit complementary to the IMV, because the amount of the RGC benefit is substantially greater than that of the IMV, as can be seen in the table below:

Table 8

2020	IMV (monthly by 12)	RGC (monthly by 12. Depending on 1, 2, 3, 4, 5 or more members)	Monthly difference between RGC and IMV
One adult	€462	(1) €664	€202.0
Complement single-parent family	+ €101	+ €100	
One adult and one child	€702	(2) €996	€294.0
One adult and two children	€840.8	(3) €1,096	€255.2
One adult and three or more children	€979.4	(4) €1,196	€216.6
Two adults	€600.6	(2) €996	€395.4
Two adults and one child	€739.2	(3) €1,096	€356.8
Two adults and two children	€877.8	(4) €1,196	€318.2
Two adults and three or more children	€1,016.4	(5) €1,208	€191.6
Three adults	€739.2	(3) €1,096	€356.8
Three adults and one child	€877.8	(4) €1,196	€318.2
Three adults and two or more children	€1,016.4	(5) €1,208	€191.6

2020	IMV (monthly by 12)	RGC (monthly by 12. Depending on 1, 2, 3, 4, 5 or more members)	Monthly difference between RGC and IMV
Four adults	€877.8	(4) €1,196	€318.2
Four adults and one child	€1,016.4	(5) €1,208	€191.6
Other	€1,016.4	(5) €1,208	€191.6

(Compiled by the author from the Law 14/2017 on the guaranteed minimum income and Royal Decree-Law 20/2020 in minimum vital income. Bear in mind that the IMV uses up to 15 different parameters depending on the number of people in the household unit and the RGC only uses 5).

Some important conclusions are drawn from tables 7 and 8 above: first, part of the economic cost that the benefits entail for the AC will end up being covered by the Spanish State/National Social Security Institute (INSS), that of the current beneficiaries who also receive the IMV;³⁴ second, the AC that have an economic benefit of a greater amount than that of the IMV must, in compliance of their own legal regulations, economically complement the IMV up to the amount of their economic benefit. Third, conversely, the AC with an economic benefit equal to or lower than that of the IMV will save the cost of their economic benefit and, finally, all the AC will be in a position to decide to allocate the current budgetary cost of their benefits (partly saved as a result of the effectiveness of the IMV in each of the AC) to improve the economic adequacy and coverage rate of their own benefit.

Regarding the competence to manage the IMV, Royal Decree-Law 20/2020 attributes this to the INSS (article 22 of Royal Decree-Law 20/2020), except for the Basque Country and Navarre, which assume the competences and functions of the INSS (fifth additional provision of Royal Decree-Law 20/2020), and without prejudice to signing agreements with the other AC for management of the IMV (fourth additional provision of Royal Decree-Law 20/2020).

From the start, the Government of the Generalitat has claimed the competence to manage the IMV based on the competence set out in article 165 of the Statute of Autonomy of Catalonia, on the competences within the scope of the Social Security and, specifically in letter *e*, on “recognition and management of non-contributory pensions” and it has even publicly announced an action of unconstitutionality against Royal Decree-Law 20/2020, considering that the latter invades the former’s competences.

At the time of writing this article and during the processing of Royal Decree-Law 20/2020 as a bill, an amendment has been presented in the Congress of Deputies,³⁵ to expressly introduce into the law on IMV to be approved the competence of the Generalitat of Catalonia to manage the IMV, as the Statute of Autonomy of Catalonia has already assumed the competence of “recognition and management of non-contributory pensions”, and for many years now the Generalitat has been managing them, although the payment comes from the Social Security General Treasury from data provided to it by the Generalitat. The political agreement that has enabled approval of the National General Budget Law for 2021 leads us to think that this amendment will be approved and the Generalitat will assume the management of the IMV under the indicated conditions.

In any case, the entry into force and effectiveness of the IMV (with serious implementation problems as occurred with the RGC) represents an opportunity to increase the amount and coverage rate of the RGC benefit because, with the understanding that the current RGC budget is maintained, or increased, the Generalitat will save part of the economic cost it currently assumes (column 2 of table 8), which will be absorbed by the IMV economic funds, and which could be allocated to increase the amount and expand the coverage rate of the RGC.

34 The necessary legal coordination of the IMV with similar economic benefits of the AC is expressly provided in “First transitional provision”, paragraph 13 of RDL 20/2020, which establishes the minimum vital income.

35 On 31 December 2020 it was still at the presentation of amendments stage and, as a result, it has not been published. Who has signed it and its specific content is not public either.

This seems to be how the joint declaration on the IMV of the organisations that form part of the government committee on the guaranteed minimum income,³⁶ made on 4 June 2020, must be understood.

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³⁶ See the [Declaració conjunta de les organitzacions que formen part de la Comissió de Govern de la Renda Garantida de Ciutadania sobre l'Ingrés Mínim Vital](#).

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