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2025 Rule of Law Report - additional consultation on single market dimension

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As announced in the Political Guidelines for the 2024-2029 Commission, a Single Market dimension will be added to the Rule of Law Report to report to address rule of law issues affecting companies, especially SMEs, operating across borders.

Therefore, in addition to the regular stakeholder consultation for the 2025 Rule of Law report which was launched on 29 November 2024 (available here), **the Commission is now launching an additional targeted stakeholder consultation on the single market dimension of the rule of law**. This short questionnaire covers additional topics that are not yet included in the Report's scope which the Commission considers of particular relevance under this angle. The questionnaire is in particular directed to business stakeholders, but all interested parties are invited to contributed. The deadline for contributions is on 24 January (midnight Brussels time).

Under the questions below, you are invited to provide information both on the **relevant legal framework** as well as information on any relevant developments since January 2024. Under each question, the following types of information may be relevant:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures

- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the questionnaire)

D) Any other relevant developments

About you

* I am giving my contribution as

Public authority or network of public authorities

* Organisation name

250 character(s) maximum

General Council of Spanish Judiciary (CGPJ)

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

It is the constitutional governing body of judges and magistrates in Spain, responsible for ensuring judicial independence.

Transparency Register Number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Spain

First Name

José María

Surname

Fernández Seijo

* Email Address of the organisation

vocalia.jmfernandez@cgpj.es

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ○ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation an be identified in the rest of your contribution.**
- ◉ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ○ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☑ I agree with the personal data protection provisions.

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Topics for input on the single market dimension of the Rule of Law Report

* Country covered in your contribution [only one choice possible]

If you wish to submit information concerning several countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

Spain

Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases.

This question complements the questions in the original questionnaire related to quality and efficiency of justice

5000 character(s) maximum

Since 2004, Spain has had judges specialized in commercial and insolvency matters, within the judicial branch.

Alternative dispute resolution and mediation

This question complements the questions in the original questionnaire on quality and efficiency of justice

5000 character(s) maximum

The Spanish legal system has incorporated the European directives on non-judicial conflict resolution into its procedural system. The recently approved Organic Law 1/2025 has introduced specific rules to promote mediation prior to the start of civil judicial procedures.

Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy and various types of construction)

This question complements the questions in the original questionnaire on the prevention of corruption

5000 character(s) maximum

These matters are not attributed directly to commercial judges, but to administrative judges or, in the most serious cases, to criminal judges. In any case, civil/commercial liability is possible if non-compliance with administrative regulations gives competitive advantages.

Reporting on the use of digital technologies to enhance transparency and oversight in public procurement

This question complements the questions in the original questionnaire on the prevention of corruption

5000 character(s) maximum

There are no specific rules that regulate transparency and use of new technologies in market regulatory matters. The general rules introduced regarding transparency and the use of general technologies are used for all procedures. Organic Law 1/2025, on procedural efficiency, has recently been approved, which facilitates the use of these technologies in judicial management.

Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

This question complements the question in the original questionnaire on rules and use of fast-track and emergency procedures, linked to the overall process for preparing and enacting laws

5000 character(s) maximum

There are no specific rules in the judicial control of markets and competition law, general rules apply

Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators

This question complements the questions in the original questionnaire on the independence, resources and powers of national human rights institutions, ombudspersons, equality bodies and supreme audit institutions

5000 character(s) maximum

In Spain there is an independent administrative authority, the Markets and Competition Commission, which supervises the free functioning of the markets.

Respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

This question complements the question in the original questionnaire on transparency of administrative decisions

The administrative competition authority has to justify its decisions and, in addition, they can be reviewed judicially, before administrative courts.

Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies

This question complements the question in the original questionnaire on judicial review of administrative decisions

5000 character(s) maximum

The administrative courts, the national court and the Supreme Court, Administrative Chamber, supervise the decisions of the National Markets and Competition Commission. Furthermore, any individual can claim damages suffered due to infringements of free competition before the commercial courts.

Any other points you would like to raise related to the single market dimension in the context of the Rule of Law Report

5000 character(s) maximum

If you would like to upload any supplementary document(s), please do so here

Contact

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