

2025 Rule of Law Report - targeted stakeholder consultation

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 every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

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 request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☒ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

GENERAL PROSECUTOR'S OFFICE OF THE KINGDOM OF SPAIN

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Checks and Balances
- ☐ Other

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

500 character(s) maximum

<https://www.fiscal.es/>

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

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta

- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☒ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Surname

Email Address of the organisation

fge.secretaria.fiscalgeneral@fiscal.es
internacional.fge@fiscal.es
fge.secretariatecnica@fiscal.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 can 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.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could

be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

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

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany

- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☒ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

1.- The PP and PSOE finally reached an agreement in June 2024, in the presence of the Vice-President of the European Commission, to proceed with the immediate renewal of the General Council of the Judiciary (CGPJ), thus after more than five years of blockade. The 20 new members proposed to integrate the CGPJ were agreed through the presentation of a balanced joint list with professional profiles from different backgrounds.

The judicial associations welcomed the agreement reached. The renewed CGPJ also undertook to draw up a report on the election system of the CGPJ.

2.- Strengthening the independence of the judiciary through LO 3/24 of 2 August.

Both parties also agreed to submit a proposal for an organic law that "will strengthen the independence of the judiciary, as recommended by the European Commission in its report on the rule of law concerning Spain 2022 and 2023", which it reports. That is the LO 3/24 of 2 August, amending LO 6/85. April 1, of the Judiciary and Law 50/81 of 30 December regulating the Organic Statute of the Public Prosecutor's Office, which regulates the requirements for the appointment of judges to the Supreme Court, the regulation of special services and voluntary leave. Also, a new regime for incompatibilities is established in the section on CGPJ, so that those who have held representative public office during the previous five years cannot be elected. Also, provision is made for a qualification committee and the possibility of setting up committees by a three-fifths majority; majority which will also be required to elect its President. The reasons for abstention and a new system of incompatibility for the General Prosecutor are also regulated in that regulation. Finally, it provides that the CGPJ will carry out within six months a study on European systems for electing members of similar bodies and draft a proposal to be submitted to the courts, but no such proposal has yet been made. <https://www.boe.es/eli/es/lo/2024/08/02/3>

3.- Also, during this year 2024 it was agreed, with the agreement of the main parties in our country, to appoint a new judge of the Constitutional Court.

4.- Approval of LO 1/2024 of 10 June, for the amnesty for institutional, political, and social normalization of Catalonia. <https://www.boe.es/eli/es/lo/2024/06/10/1/con>

During this year 2024, not without great debate both within the public sphere and politics, came the approval of the Organic Law 1/2024, of 10 June, amnesty for institutional political and social normalization of Catalonia, published in the BOE of 11 June and which entered into force 20 days after its publication, on 1 July 2024.

The law is being applied normally, so that numerous court files were reported by the prosecution regarding the application of this law in specific cases. In addition, during the application of this law several judicial bodies have raised different questions before the European Union Court of Justice Court, as well as questions before the Constitutional Court, ordinary mechanisms of control provided for in the amnesty law itself.

5 Other Initiatives approved up to the date of this report

LO 2/2024 of 1 August on equal representation and balanced presence of women and men.<https://www.boe.es/eli/es/lo/2024/08/01/2/con>

LO 4/2024 of 18 October amending Organic Law 7/2014 of 12 November on the exchange of information on criminal records and consideration of criminal court decisions in the European Union, to bring it into line with European Union regulations on the European Criminal Records Information System (ECRIS).<https://www.boe.es/eli/es/lo/2024/10/18/4>

LO 5/2024 of 11 November, on the Right to Defence.<https://www.boe.es/eli/es/lo/2024/11/11/5/con>

6. Transparency.

In terms of transparency, the Public Prosecutor's Office has managed to significantly improve its commitment to transparency and accountability by achieving 100% of the Index of Compliance with the Mandatory Information that must be published by the institution.

7. Proceeding against the General Prosecutor.

On 15 October, the Supreme Court agreed to open a case against the General Prosecutor and the Chief Provincial Prosecutor of Madrid for an alleged offence of disclosure of secrets. The origin of this case lies in the investigation against the Chief Prosecutor of Madrid and a prosecutor of the economic crimes section for the publication of a press release with the aim of denying a series of falsehoods that were being published in different media, in which the image of the institution and the work of its members were compromised.

The Public Prosecutor service has a legal obligation to inform the public of relevant issues as a means of guaranteeing the right to receive accurate information. The General Prosecutor took responsibility for the press release. The Supreme Court acknowledged that there was no crime in the press release but continued its investigation into an email leaked to the media.

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

The procedure aimed at selecting candidates for becoming prosecutors is based on a recruitment through a specific exam or a competition. Article 42 of Law 50/1981 on the Organic Statute of Public Prosecutors (hereinafter OSPP) set out the following: "To access the Public Prosecution Service (hereinafter PPS), duly qualified candidates must pass an open competitive examination, which will be same exam shared with Judiciary candidates, under the provisions laid down in the Organic Judiciary Act Law 6/1985 (namely Articles 301 to 315 of the hereinafter Judiciary Act). Article 43 of the OSPP also establishes that becoming a member of the PPS is open to any Spanish citizen of legal age (18 years old) who hold a University Law Degree and successfully pass a free competition for access to the Spanish PPS. All candidates must submit a security clearance by mean of an ordinary clean criminal records certificate issued by the Ministry of Justice.

In addition, new Public Prosecutor's Rules of Procedure, adopted the 3rd of May 2022 by mean of the Royal Decree 305/2022 (hereinafter the RMF set up a more detailed recruitment rules in Article 25 (in line with Article 301 of Judiciary Act), namely:

1. Entry into the PPS will be based on the constitutional principles of equality, merit, and capacity.
2. The selection process will be carried out through a public call and will guarantee, with objectivity and transparency, equal access to it for all citizens, provided that the necessary conditions and aptitudes are met, as well as such as the suitability and professional sufficiency of the people selected to perform the functions of the PPS.
3. Entry into the PPS will occur through the third category of "abogado fiscal", by passing a free competition and a selective theoretical and practical course carried out at the Centre for Legal Studies,
4. Those candidates who have successfully passed the exams will be in the position to opt for one or another career (PPS or Judiciary), in accordance with the scoring set by the Selection Commission established by article 305 of the Judiciary Act.

Candidates opting for becoming a Public Prosecutor must then pass an additional training course at the Centre for Legal Studies in Madrid, while those opting to become a Judge must pass a training course at the Judiciary School in Barcelona. After this training period the first ones would become members of the Spanish PPS by taking the corresponding oath and are eventually assigned a position. According to Articles 26 and 27 of the 2022 RMF, applicants who successfully have passed the competition exams and opted for the PPS will enter in the Centre for Legal Studies (CLS) in order to take the initial training course which is a theoretical-practical course of a selective nature. All applicants who have passed the competition will be considered trainee-officials from the moment they chose to be a Public Prosecutor instead of a member of the Judiciary. The indicated course will include a multidisciplinary training program and a period of supervised internships in different Public Prosecution Offices, arranged by the Prosecutor's General Office in collaboration with the Centre for Legal Studies. The organization and duration of the internship period, its circumstances and the destination of the intern Public Prosecutors will be established by the Centre for Legal Studies, in accordance with the proposal of the Prosecutor's General Office, which must be formulated taking into consideration the organization and the service needs of the different prosecutor's offices. During the period of supervised internships, the intern Public Prosecutors will perform assistance and collaboration functions with their tutor Prosecutors.

In addition, Article 27 of the 2022 RMF provides that candidate prosecutors who do not pass the course and those who could not take or complete the given course due to duly justified force majeure may repeat it in the next call for a competition, which they would join with the new promotion, in the terms provided in the Statute of the Autonomous Body, so-called Centre for Legal Studies, approved by Royal Decree 312/2019, of the 26 April. If these candidates fail this second course too, they will be definitively excluded and will be deprived of any expectation of entering into the Public Prosecutor Service based on the selective examinations they had passed (Likewise Article 309 of the Judiciary Act in relation to the Judiciary). So, failure to complete the training course is the only reason for not appointing a candidate as Public Prosecutor and the reasons are linked to the final marking outcome. This result is public but is not under the remit of the appointing authority. In accordance with Article 28 of the RMF adopted in 2022 candidate prosecutors are appointed by an Order issue by the Minister of Justice for a lifetime on the basis of the proposal made by the PG .

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

In accordance with article 28 of the RMF adopted in 2022, Prosecutors are appointed by an Order issue by the Minister of Justice for a lifetime on the basis of the proposal made by the Prosecutor General. In accordance with article 28 of the RMF adopted in 2022, Prosecutors are appointed by an Order issue by the Minister of Justice for a lifetime on the basis of the proposal made by the Prosecutor General. They may only be removed from office in the cases provided by law (i.e. as a result of disciplinary proceedings for serious breaches of their duties).

Forced transfers are regulated as a disciplinary sanction that can only be imposed in cases of very serious infringements and after the mandatory disciplinary procedure, which is regulated in detail in the Regulation of 2022.

Decisions in disciplinary proceedings may be appealed before the contentious-administrative jurisdiction.

As regards to the retirement of public prosecutors, Article 32 (2) of the 2022 RMF states that: «Active membership of the Public Prosecutor's Office also ceases by virtue of retirement. Prosecutors may only be retired due to age or permanent incapacity to perform their functions. Retirement due to age may be compulsory or voluntary and shall be agreed in the same cases and under the same conditions as those set out in Organic Law 6/1985, of 1 July, for Judges and Magistrates and under the terms established in Title VIII of these regulations».

2022 Regulation establishes the principle of publicity in the Official Journal (or through other publication means) of the resolutions issued by the Prosecutor General regarding appointments, removals and detachments, as well as the summonses or notices that according to the applicable regulations must be published. In addition, we can find in this piece of legislation a reference to the definition of PPS, and inter alia, its constitutional nature; the guiding principles of the institution and the determination of the legal framework; the various categories that make up the prosecutorial career and the regulation of the acquisition and loss of the status of member of the prosecution service. Also, a more detailed and comprehensive regulation of the different administrative situations, leaves, duties and rights, reassignment measures and substitutions, incompatibilities, prohibitions, and responsibilities of the members of the prosecution service.

Organic Statute of Public Prosecutors:

<https://www.fiscal.es/documents/20142/100991/Estatuto+org%C3%A1nico+del+Ministerio+Fiscal+%28Ingl%C3%A9s%29.pdf/6dac20a0-57d2-d865-cd6b-f63c7f924c84?t=1634641814834>

<https://www.fiscal.es/documents/20142/98209/Estatuto+org%C3%A1nico+Ministerio+Fiscal.pdf/cc1c3b43-e8e9-974e-8256-d2c1968cfc51?t=1613988043672>

Royal Decree 305/2022, Public Prosecutor's Rule of Procedure (Regulation)

https://www.fiscal.es/documents/20142/100991/Reglamento+del+Ministerio+Fiscal+%28Real+Decreto+305_2022%2C+de+3+de+mayo%29.pdf/82cf2e60-3187-7178-f6fc-5dd20ce84af3?t=1674031477109

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

While regular promotion affecting the vast majority of posts is predominantly based on seniority, being the seniority the main criterion for promotion of prosecutors, this is not the case for the rest of discretionary posts related to the highest functions of the Prosecution Service where qualities and merits play a role. Inter alia Chief Prosecutors, including those chairing the Higher Regional PPOs, the Special PPOs (Antidrug, Anticorruption and Audiencia Nacional PPOs): the Head of the Specialised Units at the GPO (e.g. Cybercrime, Environmental, THB, International Cooperation...), are to be appointed by the Government on a proposal submitted by the Prosecutor General.

However, in relation to these proposals the Prosecutor General must previously consult the Public Prosecution Council (a collegiate and representative body of the PPO) as well as the Chief Regional Prosecutors when positions of their respective regions are involved. So, the requirements concerning length of service/professional experience gained within the PPS, alongside professional merits, and capacity, as well as specialization, should be objectively assessed and considered, as provided for in Law 50/1981 on Public Prosecutors (Art. 13 and 36). Deputy Chief High Regional Prosecutors and Deputy Chief Prosecutors of the Special PPOs will be also appointed following this system.

Aimed to increasing the transparency of the given selection procedures and taking advantages of the possibilities of available online connections, as of December 2022, the Prosecutor General decided to personally interview all candidates for any discretionary posts in order to avoid the discrimination that could stem from the unbalanced territorial previous case scenario where a number of candidates could have the possibility of being interviewed and others not (mainly candidates outside Madrid), actually bridging the existing territorial gap. In addition, it was decided to record these personal interviews and give a copy to the Prosecution Council to increase the transparency of these hearings.

This piece of legislation is developed in art. 50 of RMF on Discretionary Appointment Positions setting out the following:

"Discretionary appointment will be used to fill positions and assignments not covered in the previous chapter that must be filled with Senior Prosecutors (Fiscales de Sala), as well as those corresponding to the Fiscal Inspection and the Prosecutor's Office attached to the Supreme Court, before the Constitutional Court, to the Court of Auditors and to the National Court, as well as Specialized Units at the GPO. This system will also be used for positions of Senior Prosecutor and Deputy Senior Prosecutor of the Prosecutor's Offices in the Autonomous Communities, as well as the positions of Chief Prosecutor of Provincial PPOs and Chief Prosecutor of Area PPOs.

In these types of appointments, the principle of a balanced presence of women and men will be taken into consideration.

The call for applications to fill positions with a defined term will be published well in advance of the expiration of that term."

Judicial review:

Article 43 RMF on Procedures for Filling Vacant Positions provides that "the procedures for filling vacant positions will be governed by the respective calls for applications, the bases of which will comply with the provisions of Law 50/1981 and this RMF. These calls will be published in the Official State Gazette. These bases must include, among other details (...) f) The appeals that may be lodged".

So, candidates for the head of a Public Prosecution Office have a legal possibility to challenge the appointment and ask for a judicial review of such a decision by filing a contentious-administrative legal remedy on the basis of article 12.1(b) of the LJCA if there are grounds to challenge the legality of the decision. This would be based on alleged violations of law or procedural irregularities during the appointment process.

For more detailed information, please consult the detailed responses provided by the Spanish GPO to the questionnaire already launched by the Commission through the NADAL Network.

Allocation of cases in courts

5000 character(s) maximum

Allocation of cases within the Prosecution Service:

Article 20 of the RMF on Work Distribution.

The Chief Prosecutors will be responsible for organizing the services and for the transparent and equitable distribution of work among the staff of their prosecution office.

Although law 50/1981 declares that "members of the Public Prosecutor's Office may not be recused," it allows the parties involved in the proceedings to "approach the hierarchical superior of the prosecutor in question, requesting that, in such cases, their non-intervention be ordered."

In addition Article 23 of Law 50/1981 provides:

For all intents and purposes, members of the Prosecution Service are authorities.

They will always act on behalf of the Service. In the course of whatsoever activity performed by prosecutors in fulfilment of their duties, or before they initiate assignments received through ordinary case distribution channels, their immediate superiors may, at any time and by means of a duly substantiated resolution, assume any given case personally (right of avocation) or appoint another prosecutor thereto.

Disagreements in this respect, if any, will be settled by their common hierarchical superior. Notice of such changes must be served upon the Public Prosecution Council, which may express its opinion thereon.

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

The PP and PSOE finally reached an agreement in June 2024, in the presence of the Vice-President of the European Commission Vera Jourová, to proceed with the immediate renewal of the General Council of the Judiciary (CGPJ), thus after more than five years of blockade.

The 20 new members proposed to integrate the CGPJ were agreed through the presentation of a balanced joint list with professional profiles from different backgrounds.

The judicial associations welcomed the agreement reached to renew the General Council of the Judiciary (CGPJ) because it "puts an end to an unacceptable anomaly" that has been present for "too long".

The renewed CGPJ also undertook to draw up a report on the election system of the CGPJ.

Both parties also agreed to submit a proposal for an organic law that "will strengthen the independence of the judiciary, as recommended by the European Commission in its report on the rule of law concerning Spain 2022 and 2023", which it reports.

That is the L03/24 of 2 August, amending LO 6/85. April 1, of the Judiciary and Law 50/81 of 30 December regulating the Organic Statute of the Public Prosecutor's Office, which regulates the requirements for the appointment of judges to the Supreme Court, the regulation of special services and voluntary leave. Also a new regime for incompatibilities is established in the section on CGPJ, so that those who have held representative public office during the previous five years cannot be elected. Also, provision is made for a qualification committee and the possibility of setting up committees by a three-fifths majority; majority which will also be required to elect its President.

The reasons for abstention and a new system of incompatibility for the General Prosecutor are also regulated in that regulation.

Finally, it provides that the CGPJ will carry out within six months a study on European systems for electing members of similar bodies and draft a proposal to be submitted to the courts, but no such proposal has yet been made.

<https://www.boe.es/eli/es/lo/2024/08/02/3>

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

As provided for in the RMF, the FGE, by virtue of a decree of 26 September 2024, appointed a new promoter of the disciplinary action and his replacement, the previous mandate having expired.

The “Promoter of the Disciplinary Action” was newly appointed, after a competitive selection process and following a report by the Public Prosecutor's Council, in compliance with the provisions of the 2022 Regulation. The Promoter of the Disciplinary Action has his own legal status and has taken up the exercise of the disciplinary function as a matter of course, having completed the first cases with complete independence.

The setting up of a brand new Spanish Public Prosecutor's Commission of Ethics was also noted in the report submitted by the Spanish General Prosecutors Office to the Commission last year. The Commission of Ethics is composed of seven members, six from the prosecutor's career and a seventh who must be “a person of recognised prestige and proven track record in the academic world of ethics, philosophy of law or moral philosophy”. The election of the Commission's members within the PPS is voted by all public prosecutors in active service. The mandate of the Commission's members is four years. The Committee meets as often as the needs of the service and the volume of consultations make advisable and, in any case, must meet at least quarterly. Resolutions are adopted by simple majority.

Once the consultations have been received, they must be resolved within two months. Opinions are issued in accordance with the Code of Ethics of the Public Prosecutor's Office and may not contain reproaches or personal assessments.

The process of electing new members of the commission is currently underway, as the mandate of the previous members has expired.

Code of Ethics of the Public Prosecutor's Office:

<https://www.fiscal.es/documents/20142/3633648/C%C3%B3digo+%C3%89tico+del+Ministerio+Fiscal.pdf/ed3b2cf8-e0da-c81b-ff4a-22f41cd0d2be?t=1679572859505>

Spanish Public Prosecutor's Commission of Ethics (organisational and operational rules):

<https://www.fiscal.es/documents/20142/3633648/Reglas+de+organizaci%C3%B3n+y+funcionamiento+de+la+Comisi%C3%B3n+de+%C3%89tica+Fiscal.pdf/834cb225-0a0e-1ad2-45d6-8e6dd4df852a?t=1686583651225>

Independence/autonomy of the prosecution service

5000 character(s) maximum

Article 124 of the Spanish Constitution on the Prosecutor General is under Title VI on the Judicial Power. One of the objectives pursued in the Law 50/1981 on Public Prosecutors was to afford the PPS greater independence in the performance of its duties. That in turn would reinforce the public's perception of the principle of impartiality that governs this public service, pursuant to the provisions of Article 124.1 of the Constitution.

In 2007, Law 50/1981 was amended (by means of Law No. 24/2007) to introduce additional safeguards, enhancing the independence of the Prosecutor General. Namely the legal regime for appointing and dismissing the Prosecutor General was modified respecting the legal framework laid down in Article 124 of the Spanish Constitution of 1978 by including additional guarantees in the respective regulations that fully

aling with the system laid down in Article 124 of the Constitution.

Further amendments followed in 2009 to provide for greater assurances of autonomy to the prosecution service:

Firstly, the choice must be made from among well-known Spanish jurists with more than 15 years of active professional service.

Secondly, the mandate of the Prosecutor General is limited to four years (non-renewable) adding a closed list of objective and motivated causes for removal and leave of office (Article 31 OSPP). So that the Government has no powers to discharge the Prosecutor General solely at its discretion.

Thirdly, the initial executive's proposal for the appointment of a Prosecutor General, must be subject to consultation with the CGPJ, which checks that the proposed candidate meets the legal requirements (well-known Spanish jurists with more than 15 years of active professional service) and then the candidate must appear before the relevant Committee of the Spanish Parliament before the final appointment by the King.

Finally, the Supreme Court can exercise an ex-post control of the legality of the appointment. So, the three Powers of the Spanish State take part in the Prosecutor General appointment process.

Furthermore, art. 29 OSPP has recently been modified (by LO 3/2024) to avoid the so-called 'revolving doors', stating that: 'Anyone who in the previous five years has been appointed head of a Ministry, a State Secretariat or a Regional Government Department, or who has been elected head of the Presidency of a local Corporation or has held the position of deputy, senator, or member of the European Parliament or of a legislative Assembly of an Autonomous Community, may not be proposed for the post'.

It should be noted that the fact that the Prosecutor General's mandate is not renewable is an important guarantee for his /her independence as pointed out by in the GRECO evaluation report on Spain (dated in December 2013). The non-renewability in office, is aimed to vanish a subliminal and latent desire to please the Executive originated by the approaching term of office.

In addition, the amendment of art. 23 of the Law 50/1981 on Public Prosecutors by Law 24/2007 increased the degree of autonomy of all prosecutors by deleting the reference that it originally contained to the delegated nature of their powers. Therefore, all prosecutors act by developing their own powers independently of the rank or hierarchical rank.

New Rules of Procedure of the Prosecution Service (Royal Decree 305/2022_RMF), establishes rules regarding the internal autonomy of the prosecution service. Its adoption is of particular relevance given that the previous RMF dated from 1969, prior to the enactment of the Spanish Constitution and the Organic Statute of the Prosecution Service (Law 50/1981). 2022 RMF includes a reference to the definition, the constitutional nature, the guiding principles of the institution and the determination of the legal framework, the classification of the various categories that make up the prosecutorial career, and the regulation of the acquisition and loss of the status of member of the prosecution service. Also, the administrative situations, leaves, duties and rights, reassignment measures and substitutions, incompatibilities, prohibitions, and responsibilities of the members of the prosecution service. In particular, it provides for more flexibility for staff allocation – in this sense, Title III refers to the process for filling positions, including temporary assignments, relocations, and substitutions.

Article 7 of the RMF enshrines the principle of impartiality, pursuant to which, the prosecution service is not subject to orders, instructions, or indications. In addition, the Regulation establishes the principle of publicity, in the State Gazette (or through other publication means), of the resolutions of the Prosecutor General regarding appointments, removals and detachments, as well as the summonses or notices that according to the applicable regulations must be published.
the RMF 2022 also regulates the system of substitution.

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

During this year the LO 5/2024 on the right of defence has been adopted.
<https://www.boe.es/eli/es/lo/2024/11/11/5/con>

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Training in legal language and the rules of style of the Public Prosecutor's Office is another of the fundamental pillars of the Training Plan 2024 of the Public Prosecutor's Office.

Since the Prosecutor General's Office signed the so-called General Protocol of collaboration for the promotion of a modern legal language and accessible to the public, on 11 March 2021, an institutional commitment was made to promote the language training for the members of the Public Prosecutor's Office, the recognition of good practices, the approximation of best practices, bringing legal language closer to the public, the standardisation of legal documents, as well as any other actions in this field, with the aim of modernising and clarifying the legal language, making it accessible and comprehensible to the citizens.

A module on communication and prosecution has also been introduced as there is a growing interest in fostering effective legal communication which meets the criteria of technical rigour and clarity, but which is at the same time understandable, respectful, and empathetic. In short, communication in tune with the times and in line with international standards of legal clarity.

In this respect, there is a specific module in initial training dedicated to legal language and the style guide of the Public Prosecutor's Office.

In the frame of Public Prosecutor's continuous training, different training activities have been organised in this area (e.g. Modernisation of legal language and oratory; communication workshop for the Public Prosecutor's Office; techniques of verbal and gestural expression for the jury procedure).

At the same time, the Public Prosecutor's Office is working to facilitate access to justice for certain groups, such as people with disabilities.

As regards to the raising awareness campaign on the role of the PPO through the "Accessible Prosecutor's Office" project, disseminates information of the Prosecutor's Office closer to citizens, facilitating the universal accessibility of our website www.fiscal.es, in line with the basic principle that full knowledge of rights is an essential prerequisite for its exercise.

In addition, there are several documents published on the website www.fiscal.es in easy reading format for a better understanding: e.g., guide to access to justice; right to cognitive accessibility in the procedures for the provision of support; information for people with disabilities on the reform of the Civil Code; what is a crime and how to report it; etc.

On the other hand, the Prosecutor's General Office has signed the collaboration agreements with certain entities and groups to facilitate and facilitate their access to justice, e.g., with the Spanish association of people with autism spectrum disorders.

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

It is worth highlighting the approval of Royal Decree 46/2024, of 16 January, which modifies the staffing table of the Public Prosecutor's Office in order to adapt it to existing needs.

By means of this Royal Decree, 219 third category posts are converted into second category posts, in the organic staff of the Public Prosecutor's Office, approved by Royal Decree 311/2023, of 25 April, which modifies and expands the organic staff of the Public Prosecutor's Office to adapt it to existing needs.

To date (2024), there are 2,795 prosecutors in Spain, 66 % of whom are women.

If all management positions are, taken into account both territorial and central bodies, 45 % are occupied by women.

These data are very encouraging, since the percentage of women has increased more than seven points compared to 2019 (38% women).

In 2024, the 2nd equality plan for the Public Prosecutor's career has been approved. This plan creates the post of equality officer in each prosecutor's office.

Decree approving the Second Equality Plan for the Public Prosecutor's Career:

<https://www.fiscal.es/documents/20142/225657>

[/Decreto+por+el+que+se+aprueba+el+Plan+de+Igualdad+de+la+Carrera+Fiscal.pdf/e77ce72e-9a2c-88ef-3be5-eeb43ecd238f?t=1728037818956](https://www.fiscal.es/documents/20142/225657/Decreto+por+el+que+se+aprueba+el+Plan+de+Igualdad+de+la+Carrera+Fiscal.pdf/e77ce72e-9a2c-88ef-3be5-eeb43ecd238f?t=1728037818956)

The 2nd equality Plan for the Public Prosecutor's career:

<https://www.fiscal.es/documents/20142/225657/II+PLAN+DE+IGUALDAD+CARRERA+FISCAL+2024.pdf/2e251083-fa30-7a8d-b7dc-4e5de47f7f4d?t=1721298825234>

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

The Prosecutor General's Training Plan is drawn up every year by the Prosecutor General's Office, considering the suggestions and proposals made by all public prosecutors, specialised prosecutors, and Prosecutors posted at special PPOs (anti-corruption and anti-drugs), and the National Court Prosecutor's Office.

After each training activity, a survey of participants is carried out in order to guarantee the quality of the contents, the materials distributed and the capacity and knowledge of the speakers, as well as their organisation.

The evaluation of the participants in training courses is important when it comes to agreeing on the repetition of these courses in the following years.

Both the evaluation criteria for initial training and the selection criteria for continuing training are published in the Training Plan.

The principles that inspire the Training Plan are training as a right and a duty; equal opportunities; planning; transparency; participation; decentralisation for work compatibility and family reconciliation.

The strategic axes of the Training Plan:

1. Training in gender perspective and equality.
2. Training in the fight against corruption and organised crime.
3. Training in modernisation, change management and leadership.
4. Training in transparency, communication and ethics.
5. Training in the new model of criminal procedure. The investigating prosecutor.
6. Training for specialisation.
7. Training in human rights, the rule of law, comparative, European and international law. New models of justice: mediation, restorative justice and the role of compliance.

In the field of training, recently, agreements have been signed between the General Prosecutor's Office and different organisations, universities, and institutions, e.g.:

Collaboration Agreement between the General Prosecutor's Office and the Spanish Autism Confederation.

Collaboration Agreement between the Autonomous Community of the Basque Country, the General Prosecutor's Office and the Centro de Estudios Jurídicos, for collaboration in training activities aimed at prosecutors.

Framework collaboration agreement between the General Prosecutor's Office and the General Council of Spanish Lawyers.

Collaboration Agreement between the Xunta de Galicia, the General Prosecutor's Office, the Provincial Council of A Coruña and the Centro de Estudios Jurídicos.

Framework collaboration agreement between the General Prosecutor's Office and the General Council of Social Graduates of Spain.

There has also been a firm commitment to online courses and webinars, facilitating access to training for a greater number of prosecutors and favouring work-life balance.

Although the execution of the training plans corresponds to the Legal Studies Centre, the strategic design of the contents of the initial and continuing training plans corresponds to the General Prosecutor's Office. The Public Prosecutor's Office decides the strategic objectives, priorities and training content, with the aim of guaranteeing specialized, comprehensive and high-quality training for prosecutors. All members of the Public Prosecutor's Office, as well as professional associations of prosecutors, participate in the preparation of training plans, so that their needs and requests are taken into account; the final design of the training plans corresponds to the Technical Cabinet of the Procurator General's Office. The aim is to create a training centre independent of the Ministry of Justice.

Decree of the Prosecutor General approving the training plan 2025:

https://www.fiscal.es/documents/20142/293068/DECRETO+FGE+-+Plan+de+Formaci%C3%B3n+2025_firmado.pdf/e273b7b8-14b7-f5e9-15eb-6b42d79f1767?t=1728292379133

The Prosecutor General's Training Plan 2025:

<https://www.fiscal.es/documents/20142/293068/Plan+de+Formaci%C3%B3n+2025.pdf/8250aa45-2446-dc0b-b37a-29ff52d1cb48?t=1728292376735>

The Prosecutor General's Training Plan 2024:

<https://www.fiscal.es/documents/20142/213690/Plan+de+Formaci%C3%B3n+de+la+Carrera+Fiscal+2024.pdf/280b7f7d-35ec-1a8b-5bf4-9b3600f3738b?t=1696332407235>

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

In relation to digitalization, the Evaluation Report on the 10th Round of Mutual Evaluations on the implementation of the European Investigation Order (EIO) Report on Spain published by the Council of the EU the 8th October 2024 underlined that the very high level of specialization, coordination and digitalization within the Spanish Public Prosecutor's Service ('PPO') play a key role in the field of cooperation as one of the key aspects of the very successful outcome of this evaluation exercise (Executive Summary).

Namely, the evaluation team did praise as a good practice the high level of digitalization in the execution of EIOs (see Chapter 4.3.1). In relation to digitalization, should be emphasized that public prosecutors use a separate case management system (so-called 'CRIS'/CJI) specifically dedicated to judicial cooperation requests, including dealing with incoming EIOs. This is a very advanced system enabling electronic transmission internally in Spain, and the automated creation of Annex B, to save all documents in terms of their processing and execution. The Spanish Public Prosecutor's Office has its own advanced digitalised

software application, which is used by the Delegated Prosecutors for International Cooperation to register and electronically process all international legal assistance requests received by the various prosecutor's offices, as well as to facilitate their internal communications. The CRIS/ CJI system allows for the referral of cases when the receiving prosecutor's office is not competent to process the case, as well as to seek the assistance within the PPS in cases where it is necessary to coordinate the execution of multiple measures to be carried out in the territory of another PPOs'. The electronic transmission of requests for assistance between the International Cooperation Sections leads to faster execution, thereby increasing the efficiency and effectiveness of the Spanish prosecutor's office's response to foreign requests for assistance. The evaluation team praised the high level of digitalization within the PPO in dealing with incoming EIOs but noted that it may be well worth exploring the legal and technical possibilities to grant access for the judiciary to CRIS when involved in the execution of EIOs. Aimed at improving the current scenario a working group was set up as a step forward towards the digital uniformity that would allow for the pending interoperability.

Ad extra, it is worth noting that Spain is a pioneer in adopting the e-Evidence Digital Exchange System ('eEDES') and is already looking into the possibilities of the interoperability between e-EDES and the above-mentioned PPOs' case management system (as highlighted in Best practice No 5 of the above mentioned COPEN's Report) at a EU level. In relation to the implementation of e-EDES pilot project the International Cooperation Unit at the GPO (UCIF) maintains continuous contact with the Ministry of Justice with the aim of fully deploying the pilot project in the main Special and territorial PPOs in Spain that will enable the connectivity of the most relevant PPOs to the e-edes portal.

In addition to the measures approved in the field of digital efficiency under Royal Decree-Law 6/2023 of 19 December, approving urgent measures for the implementation of the Plan for the Recovery, Transformation and Resilience of the public service of justice, public service, local administration and patronage, as far as the Public Prosecutor's Office is concerned, the Decree of the Prosecutor General of 18 July 2023 creating the electronic headquarters of the Public Prosecutor's Office should be noted.

Until that moment, the Office of the Prosecutor had a web portal that allowed access to published information via the Internet. However, it did not have an electronic office that would allow for a secure framework for communication and interaction with citizens and professionals.

The electronic headquarters of the Public Prosecutor's Office, based on the principles of transparency, publicity, responsibility, quality, security, availability, accessibility, neutrality and interoperability, is configured as its own headquarters, not derived or as a sub-headquarters of another that is owned by an Administration or public body, which is a reflection of the functional autonomy that constitutes a basic principle of our institution.

This electronic office will contain all the actions, procedures and services that require authentication mechanisms for citizens, prosecutors and professionals in their relations with the Public Prosecutor's Office. Decree of the Prosecutor General of 18 July 2023 creating the electronic headquarters of the Public Prosecutor's Office:

<https://www.boe.es/buscar/act.php?id=BOE-A-2023-16>

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

The Public Prosecutor's Office has a personnel management dashboard from which it has a complete view of the state of the staff throughout the national territory in real time.

This tool provides information such as staffing levels, vacancies, reinforcements and the administrative situation of all the prosecutors who make up the staff.

On the other hand, although the budget allocation for replacements and reinforcements for members of the Public Prosecutor's Office is included in the budget of the Ministry of Justice, the ordinary management of these is the responsibility of the Procurator General's Office, so that the decision regarding the approval of both replacements and reinforcements is made autonomously by the Procurator General's Office itself.

To this end, it has a fully digitalised management system for the entire national territory.

Last but not least, on 27 September 2024, the General Prosecutor issued a decree under which it is agreed to create a general e-Curia account for the Spanish Public Prosecutor's Office in order to communicate with the European Union Court of Justice.

The e-Curia account is a procedural notification and management account validated by the European Union Court of Justice. In addition to being the established channel for facilitating communication with the Court, it allows filing and receiving pleadings electronically before the CJEU and consulting the chronological list of actions that have been taken.

Together with the creation of this account, an internal protocol for the management of the general account was also drawn up.

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

The beginning of this year 2025 has been particularly active in relation to judicial activity by approving an important reform to ensure the efficiency of the Public Justice Service Organic Law 1/25 of 2 January measures on efficiency of the Public Justice Service Justice,

<https://www.boe.es/eli/es/lo/2025/01/02/1>

An APLO has been submitted to regulate the way in which access to judicial and fiscal careers is provided by reforming both the LOPJ and the EOMF, and also regulating the situation of substitutes, consolidating their position through a single employment consolidation process.

[https://www.congreso.es/proyectos-de-ley?](https://www.congreso.es/proyectos-de-ley?p_p_id=iniciativas&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_iniciativas_mode=mostrarDetalle&_iniciativas_legislatura=XV&_iniciativas_id=121/000041)

[p_p_id=iniciativas&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_iniciativas_mode=mostrarDetalle&_iniciativas_legislatura=XV&_iniciativas_id=121/000041](https://www.congreso.es/proyectos-de-ley?p_p_id=iniciativas&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_iniciativas_mode=mostrarDetalle&_iniciativas_legislatura=XV&_iniciativas_id=121/000041)

Similarly, a non-law proposal on the popular accusation in our country has been submitted to limit its scope.

Any other developments related to the justice system - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Law 2/2023, of 20 February, regulating the protection of persons who report regulatory offences and the fight against corruption, which transposes Directive (EU) 2019/1937 of the European Parliament and of the Council into domestic law, has imposed the obligation, among others, on bodies with constitutional relevance, such as the Public Prosecutor's Office, to have internal information channels through which to bring to its attention the facts or conduct indicated in its article 2.

In compliance with the aforementioned legal mandate, the Public Prosecutor's Office, in collaboration with the Ministry of the Presidency, Justice and Relations with the Courts, is managing the implementation of the internal information system of the Public Prosecutor's Office for the reception of communications informing of the commission by members of the public prosecutor's career, prosecutors' offices or other actors working in their service, of any of the legally envisaged conducts of which they have become aware in a work or professional context. The aim of the system is to ensure that such unlawful conduct can be promptly corrected and that, if necessary, appropriate measures can be taken to protect the informant.

It is scheduled to be implemented by February 2025.

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

One of the strategic axes of the training plan for the prosecutor's career is training in the fight against corruption and organised crime.

Some of the training activities organised by the General Prosecutor's Office are:

- Workshop on Asset Recovery in the fight against corruption and organised crime.
- Money laundering: cross-border prosecution of assets.
- Smuggling offences: regulations, content of the investigation, qualification and evidence in oral proceedings trial. Jurisprudential analysis of the crime of smuggling.
- Criminal groups and organisations for the commission of cyber-attacks and criminal activities of an online fraudulent nature.
- Minor contracting and fraudulent splitting
- Practical workshop on traceability, laundering and location and recovery of crypto-assets.

The Public Prosecutor's Office has signed, among others, the following cooperation agreements:

- Memorandum of Understanding with the special structure against corruption and organised crime of the Republic of Albania.
- Memorandum of Understanding with Bosnia-Herzegovina.
- Memorandum of Understanding with the Republic of Irak.
- Protocol between the Chamber of Accounts of Navarra and the Public Prosecutor's Office of the Court of Auditors for the detection of indications of accounting liability.
- Protocol between the Galician Accounting Council and the Court of Auditors

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

rule-of-law-network@ec.europa.eu