

2023 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 European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 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 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email

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

[1] For the consultation for the 2022 Report, see https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

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

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

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, heads of independent authorities included in the scope of the questionnaire[1])

Any other relevant developments

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

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] 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

Consejo General del Poder Judicial

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Other

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

500 character(s) maximum

<https://www.poderjudicial.es/cgpj/>

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 add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda

- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador

- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg

- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa

- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☒ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Nuria

Surname

Díaz Abad

Email Address of the organisation (this information will not be published)

[REDACTED]

* 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 2023 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 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

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.

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

Member State covered in contribution [only one choice possible]

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

- ☐ 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

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

3000 character(s) maximum

In relation to the renewal of the CGPJ, it should be noted that following the resignation of the president of the Supreme Court and the CGPJ on 12 October 2022, talks resumed between the two representatives of the majority parliamentary groups to try to reach an agreement that would allow for this renewal. However, the negotiations broke down on 27 October.

As the Council is currently unable to appoint a new president and, moreover, the post of vice-president has been vacant since October 2019, the Plenary at its meeting of 13 October 2022 agreed that the oldest member of the Council would preside, by substitution, over the Council. The Supreme Court (hereinafter SC) is currently presided over by the oldest Chamber president in accordance with the provisions of article 208.1 of Organic Law 6/1985, of 1 July, on the Judiciary (hereinafter LOPJ).

With regard to the reform of the system for electing judicial members of the CGPJ, on 30 December 2022, the popular parliamentary group in Congress presented an organic bill to amend the LOPJ to change the model for electing members of the CGPJ and to strengthen judicial independence.

This proposal proposes a return to the system of election of the 12 members of the CGPJ by the judges. The Spanish Minister of Justice stated in her appearance before the European Parliament's Committee on Civil Liberties, Justice and Home Affairs, in its session of 12 January of this year, her rejection of this modification in the terms in which it is proposed, defending the current Spanish legal model, which has been in force for more than thirty-seven years.

There are also other legislative initiatives being processed in Parliament on the model for electing and unblocking the renewal of the CGPJ, presented by the Socialist and Podemos groups, and Más País and Equo, among other groups, which means that this issue will form part of the debates in the Spanish Parliament during the course of this year.

At present, the only solution to normalise the crisis situation of the Council is the urgent renewal of the Council and, if necessary, a reform of the LOPJ.

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)

3000 character(s) maximum

As far as appointments are concerned, a distinction must be made between access to the judicial career and discretionary appointments.

Judges are selected on merit and ability following a public competition open to law graduates, who then undergo a period of training at the Judicial School.

In contrast, there are other appointments that are discretionary (judges of the SC, presidents of the Audiencia Nacional, of the High Courts of Justice, of the Provincial Courts and presidents of Chambers. Organic Law 4/2021 of 29 March introduced a new article 570bis in the LOPJ which limited the powers of a Council of the Judiciary whose term of office has expired. According to this provision, the Council can no longer make these appointments, nor can it appoint the two magistrates of the Constitutional Court, hereinafter TC, while it is in office. However, given that on 12 June 2022 the mandate of the 4 judges of the Constitutional Court whose appointment corresponds to the Government and two to the CGPJ expired, Organic Law 8/2022 of 27 July returned to the CGPJ the power to appoint these two judges, in order to proceed with the renewal of this constitutional body. To this end, a new numeral 1 was introduced in article 570bis of the LOPJ which establishes that the proposal for the appointment of the two TC judges corresponding to the CGPJ will be made by a three-fifths majority and within a maximum period of three months from the day following the expiry of the previous term of office.

To address the issue of the appointment of the two TC judges, the Plenary of the Council has met on eight occasions, five of them extraordinary (8 September, 13 and 20 October and 22 and 27 December) and three ordinary (29 September, 27 October and 24 November).

The two TC judges were appointed unanimously at the extraordinary plenary session on 27 December.

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)

3000 character(s) maximum

The Council has launched a study to anticipate the effects on the Judiciary of the mass retirements of judges in the coming years, and the difficulties in filling these vacancies through the traditional system of accession.

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

As noted above, with the new Article 570bis of the LOPJ, the Council, as long as it continues to exercise its ad interim functions, cannot make discretionary appointments. Judges whose terms as presiding judges have expired are also exercising their functions ad interim. At present, this situation affects the president of the Audiencia Nacional, 7 presidents of High Courts of Justice, 21 presidents of Provincial Courts and 25 presidents of Chambers.

The reform does not, however, affect the promotion of judges to the rank of magistrate, as 110 judges were promoted to this rank in 2022. On the other hand, it does affect the promotion to the category of SC magistrates: of the 79 positions, 19 are currently vacant.

Until such time as the Council is renewed, the return of the constitutional competence, repealing Organic Law 4/2021 of 29 March, is inexcusable. Normalisation of the Council's power of appointment of senior officials could only be achieved in the short term, by an immediate renewal of this constitutional body, and failing that, in the medium term, by a regulatory change, modifying Organic Law 4/2021.

Allocation of cases in courts

3000 character(s) maximum

The rules regarding the allocation of cases meet the standards of the ENCJ (2014 report), as the method is public and clearly established, and the parties have the right to be informed about the allocation of the case at a time prior to the hearing or examination of the case.

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)

3000 character(s) maximum

As reflected in the Rule of Law Report 2022, concerns persist over the lack of renewal of the CGPJ, which has been in office ad interim since December 2018. A three-fifths majority of Parliament is required for its renewal. As we have said, the Council has been limited in its competence to make appointments by Organic Law 4/2021 of 29 March, which poses serious difficulties for the functioning of the SC and other Chambers of Justice. This means that the SC, in particular, will have to work with fewer members of staff, which is having repercussions on its functioning.

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)

3000 character(s) maximum

In Spain, all the decisions of the CGPJ, whether they are governmental, designations or disciplinary, are judicially controlled by the Third Chamber of the Supreme Court, without prejudice to the fact that proceedings may also be brought to demand the criminal liability of its members before the Supreme Court itself.

The statutory regulations governing judges distinguish between the disciplinary regime and the Code of Ethics, so that only the former establishes conduct liable to sanction.

In 2022, 23 disciplinary cases were finalised, of which 10 were closed and 13 resulted in a sanction to a judge: in 10 cases a fine was imposed and in 3 cases a suspension of less than 6 months was imposed.

During the year 2022, the Spanish Judicial Ethics Commission has continued its work, issuing three opinions. In the first of these, the Commission considered that writing a letter of introduction or endorsement for admission to an academic institution does not infringe any ethical precepts. The second of these opinions stated that freedom of expression does not cover statements by judges on social networks and in the media that are contrary to the constitutional order. Finally, in the third opinion, the Commission saw no objection to the performance of professional duties while on legally provided leave. These opinions are not binding and can be consulted on the CGPJ website (<https://www.poderjudicial.es/cgpj/es/Temas/Etica-Judicial/Comision-de-Etica-Judicial/Dictamenes/>)

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

3000 character(s) maximum

Regulation 2/2018 establishes a system of extraordinary remuneration for the efforts made by judges in the performance of their duties. The maximum amount is 5% of the judges' salary. Extraordinary remuneration may also be paid for work carried out for the strengthening of a court or tribunal.

Due to the practical difficulties in filling judicial posts in Catalonia, by agreement of 2 December 2021, the CGPJ requested the Ministry of Justice to establish a bonus for judges exercising their functions in this Autonomous Community. The bonus would be 568.44 euros per month, which amounts to around 5 million euros per year. This bonus already exists in other regions (e.g. Basque Country, Navarra). In the absence of a reply from the Ministry of Justice and taking into account that by agreement of the Permanent Commission of 12 December 2022 a supplement for judges posted in the Balearic Islands was also requested, the CGPJ has reiterated to the Ministry of Justice the request for the establishment of a specific allowance for judges posted in Catalonia.

Independence/autonomy of the prosecution service

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

In Spain, the independence of the judiciary is guaranteed by sufficient means of control of legality to guarantee it. No judicial or sanctioning pronouncement has been made in which a violation or disturbing attack against the independence of the judiciary or of any judge or magistrate in particular has been found to have undermined their independence.

However, the renewal of the CGPJ is essential, as the current situation of an expired mandate after more than four years may affect citizens' perception of a lack of independence of the judiciary.

On the other hand, in recent months there have been disqualifications of the judiciary by political leaders, including some members of the government, both as a result of the process of appointing judges to the Constitutional Court, and in relation to the application of a law reforming the Penal Code concerning crimes against sexual freedom.

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 under section

2)

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

3000 character(s) maximum

A preliminary draft law regulating the official register of translators, and interpreters in the field of the administration of justice, which the Plenary of the CGPJ reported favourably on at its session of 22 December 2022, is currently being processed. This register will help to ensure quality translation in line with the provisions of Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings.

On the other hand, 2022 saw the effective implementation of Law 8/2021 of 2 June, reforming civil and procedural legislation to support persons with disabilities in the exercise of their legal capacity, which came into force in the last four months of 2021. This law introduced, through article 7 bis of the Civil Procedure Act, applicable subsidiarily to all Spanish procedures, the obligatory nature of the concept of "procedural adjustments", proclaimed by the Convention on the Rights of Persons with Disabilities, approved by the United Nations on 13 December 2006, into the Spanish legal system. The text of the aforementioned article is as follows:

Article 7bis. Accommodations for persons with disabilities.

1. In the processes in which persons with disabilities participate, the necessary adaptations and adjustments will be made to guarantee their participation under equal conditions.

Such adaptations and adjustments shall be made, either at the request of any of the parties or the Public Prosecutor's Office, or ex officio by the Court itself, and in all phases and procedural actions in which it is necessary, including acts of communication. The adaptations may relate to communication, comprehension and interaction with the environment.

2. Persons with disabilities have the right to understand and be understood in any action to be taken. To this end:

a) All communications with persons with disabilities, whether oral or written, shall be in clear, simple and accessible language, in a manner that takes into account their personal characteristics and needs, making use of means such as easy reading. If necessary, communication shall also be made to the person who supports the person with a disability in exercising his or her legal capacity.

b) The person with a disability shall be provided with the assistance or support necessary to make him or herself understood, including interpretation in legally recognised sign languages and means of oral communication support for deaf, hard of hearing and deafblind persons.

c) An expert professional will be allowed to participate as a facilitator to carry out the necessary adaptation and adjustment tasks so that the disabled person can understand and be understood.

d) A person with a disability may be accompanied by a person of his or her choice from the first contact with authorities and officials.»

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

3000 character(s) maximum

1. In December 2021, the CGPJ installed a set of software applications based on artificial intelligence and machine learning at the disposal of the administration of justice and users of the judicial extranet. These are the first two KENDOJ utilities (Knowledge Extractor, knowledge management of the CENDOJ (Judicial Documentation Centre) which allow the automatic pseudonymisation of a document and automatic access via links to legislation and case law cited in judicial decisions. In addition to members of the judiciary, other users of the judiciary's extranet will be able to benefit from this utility. During the year 2022, a total of 3683 uses of these applications have been made.
2. The working groups set up in collaboration with the Judicial School to develop model judgments for all jurisdictions have continued their work, with model judgments for the social jurisdiction now available.
3. The CENDOJ is also working on the development of a European document collection, which has already incorporated 75,419 rules of European Union law and 18,750 judgments of the CJEU and the ECtHR.
4. The plans promoted by the CGPJ with the Ministry of Justice to implement reinforcement measures in judicial bodies throughout the country with a high rate of litigation in order to reduce response times.
5. Promotion by the CGPJ of specific measures for the social protection of judges:
 - I. In the new collaboration agreement signed with the Ministry of Justice in the field of occupational risk prevention.
 - II. As well as the updating of initial risk assessments in all judicial offices and specific psycho-social risk assessments, in particular due to the impact of digital justice.
 - III. Job adaptations for occupational health reasons in 2022: 25 (8 new cases for 5 women and 3 men and 17 extensions for 7 women and 10 men).
 - IV. Preparation of reports on particularly sensitive situations due to breastfeeding: total, 19.
 - V. Medical examinations started in 2022 for the entire judicial career, including ergometry, specific ophthalmology consultations and psychiatry consultations.

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

3000 character(s) maximum

Initial training takes place at the Judicial School in Barcelona, where in 2022 162 students were trained at the School and 171 in supervised internships and substitution and reinforcement. The Judicial School also held a training course for 45 candidates who passed the first phase of the selective process for entry into the judiciary for lawyers of recognised competence, with more than ten years of professional practice in the civil jurisdiction (14), criminal jurisdiction (16) and shared jurisdiction (15). In terms of continuous training, in 2022 the total number of activities (including the State Plan, Extraordinary Plan, changes of order, etc.) was 328 and the number of participants was 6,221. This figure is very relevant taking into account that the number of people who make up the judicial career in Spain is approximately five thousand five hundred.

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

The Ministry of Justice is processing a draft bill on the Digital Efficiency of the Public Justice Service, which was reported by the Plenary of the CGPJ on 24 February 2022 and is currently being debated in the Congress of Deputies.

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

3000 character(s) maximum

The CGPJ website offers extensive information on judicial statistics (<https://www.poderjudicial.es/cgpj/es/Temas/Estadistica-Judicial/>) and the Transparency Portal of this website includes a section where the estimated average duration of judicial proceedings can be consulted (<https://www.poderjudicial.es/cgpj/es/Temas/Transparencia/Estimacion-de-los-tiempos-medios-de-duracion-de-los-procedimientos-judiciales/>). With regard to the image of the judiciary in Spain, it should be noted that in December 2022 a survey was commissioned from the company “Metroscopia” for users of the administration of justice to evaluate its functioning, following the questionnaire approved for this purpose by the European Network of Councils for the Judiciary (ENCJ).

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

3000 character(s) maximum

A preliminary draft bill of the Organic Law on the Organisational Efficiency of the Public Service of Justice is being processed which, as the most noteworthy novelty, provides for the implementation of the First Instance Courts in the first tier of the judicial organisation, an organisational model which will allow, in certain cases, single-person bodies to act in a collegiate manner. The CGPJ, in its opinion of 28 October 2021, positively assesses this legislative initiative (the third, after the failed attempts to reform the LOPJ in 2011 and 2014), as it represents a step towards the modernisation and rationalisation of the judicial organisation.

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)

Length of proceedings

3000 character(s) maximum

In the website of the CGPJ we can consult the data from “La Justicia dato a dato”, which refer to this aspect (<https://www.poderjudicial.es/cgpj/es/Temas/Estadistica-Judicial/Estudios-e-Informes/Justicia-Dato-a-Dato/Justicia-Dato-a-Dato>). The transparency portal of the CGPJ website includes information on the estimated average duration of judicial proceedings (<https://www.poderjudicial.es/cgpj/es/Temas/Transparencia/Estimacion-de-los-tiempos-medios-de-duracion-de-los-procedimientos-judiciales/>).

Other - please specify

3000 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 2022 Report regarding the anti-corruption framework (if applicable)

3000 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 authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

3000 character(s) maximum

The data on corruption cases can be consulted on the website of the CGPJ (<https://www.poderjudicial.es/cgpj/es/Temas/Transparencia/Repositorio-de-datos-sobre-procesos-por-corrupcion/>).

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

3000 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

3000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

3000 character(s) maximum

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

3000 character(s) maximum

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

3000 character(s) maximum

The transparency portal of the website of the CGPJ, under “compatibilities”, includes the possibility to consult which authorisations for external activities have been given by the CGPJ to judges (<https://www.poderjudicial.es/cgpj/es/Temas/Transparencia/Compatibilidades/>).

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

3000 character(s) maximum

The CGPJ approved the report on 25 May 2022 on the Preliminary Draft Law regulating the protection of persons who report on regulatory infringements and the fight against corruption transposing Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken / envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

3000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

3000 character(s) maximum

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)

3000 character(s) maximum

These data can be consulted in the repository included in the CGPJ website (<https://www.poderjudicial.es/cgpj/es/Temas/Transparencia/Repositorio-de-datos-sobre-procesos-por-corrupcion/>).

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

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

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

III. Media Freedom and Pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 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

3000 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

3000 character(s) maximum

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

3000 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 (including any rules regulating the matter)

3000 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 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

3000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

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

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

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

3000 character(s) maximum

Access to information and public documents (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)

3000 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

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

The Communication Offices of the Council, the SC, the Audiencia Nacional and the High Courts of Justice have been assigned the function of institutional channel for judicial information. In addition, the CENDOJ has a database with 8,176,593 judicial decisions, which is publicly accessible.

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

3000 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 (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] *This includes also the consultation of social partners*

3000 character(s) maximum

From 1978 onwards, and throughout the nine years in which this Council has exercised its functions, and also during the year 2022, important legal reforms affecting the judiciary were not submitted to the CGPJ for its opinion, since the Organic Law of the Judiciary establishes that only in the case of draft legislation is there an obligation to request this opinion if the project is promoted by the executive, but not if the initiative or legal proposal comes from the Parliamentary Groups or from Parliament itself. This was the case, for example, of Organic Laws 5/2022, of 28 June and 8/2022, of 27 July, which reformed the LOPJ, or the proposed Organic Law on the transposition of European directives and other provisions for the adaptation of criminal legislation to EU law and reform of crimes against moral integrity, public disorder and smuggling of dual-use weapons. The CGPJ is also not obliged to be consulted on reforms established by royal decree-laws or amendments introduced in the Senate during the legislative procedure.

However, it should be noted that this practice is not new. Important reforms of the Judiciary, such as the very broad reform of Organic Law 4/2018 which affected the very structure and functioning, as well as the Statute of the Members of the CGPJ, were not submitted to the opinion of the Council. This situation has been repeated since 1978 and, more specifically, over the last ten years, regardless of the government in power at any given time.

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)

3000 character(s) maximum

In 2022, the CGPJ received 30 requests for reports on draft legislation, 11 of which were submitted under the urgency procedure, and in 7 cases where an extension was requested, this was refused. On the other hand, the use of the legislative initiative of parliamentary groups has been frequent, as in other EU member parliaments, for the processing of certain regulatory reforms, thus obviating the obligation to submit these initiatives to the CGPJ for an opinion. The Plenary has debated on some occasions, for example, on 24 November 2022, on this practice, because part of this Council, not all of its members, consider that it could be contrary to European standards. The issue is not a peaceful one because it may undermine the autonomy and independence of the parliamentary function.

Regime for constitutional review of laws

3000 character(s) maximum

Attention should be drawn to the fact that the reform of the LOPJ introduced by Organic Law 4/2021, which limited the powers of the CGPJ, is pending the resolution of two appeals of unconstitutionality brought before the TC.

On the other hand, in relation to the appointment of the two judges of the TC which corresponds to the CGPJ, at the beginning of December 2022 the Government announced that it would reform the Organic Law of the TC and the LOPJ in order to facilitate the renewal of the TC.

The CGPJ proceeded to make the appointments of the two judges to the TC unanimously, in accordance with the legislation in force, without the need for any legislative reform.

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic

- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 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#>)

3000 character(s) maximum

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

3000 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)

3000 character(s) maximum

The Council's administrative actions are made public on the website and through the Transparency Portal (<https://www.poderjudicial.es/cgpj/es/Temas/Transparencia/>).

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)

3000 character(s) maximum

In the Spanish legal system, all Council decisions are subject to judicial review by the highest court, the SC.

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

3000 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 and dissolution rules)

3000 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 for protection 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.

3000 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)

3000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

3000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

3000 character(s) maximum

- There are numerous training activities on this subject, in addition to various appearances made by members of the Judiciary before Parliament and/or before the legislative Assemblies of the Autonomous Communities, as is the case of the Presidents of the High Courts of Justice, who present the Report on their activities before these Assemblies.
- The CGPJ is actively participating in the working groups of the XXI edition of the Ibero-American Judicial Summit, which will take place in 2023 in Peru under the theme "For an independent and effective judicial career" and which will deal with the selection of judges, performance evaluation and judicial welfare, disciplinary control and guarantees and technological fact (IA) and jurisdictional function-

- The CGPJ has become a member of the executive committee of the European Network of Inspection Services, composed of France, Portugal, Belgium, Bulgaria, Romania, Czech Republic, Italy, Albania (observer), having approved the Charter of Ethics of Inspection Services, carried out exchanges of training activities for inspectors, and held its Plenary Assembly on 16 December 2022.

Other - please specify

3000 character(s) maximum

Contact

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