

2026 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, six 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 2026 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 2026 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) developments and measures taken in relation to the recommendations in the 2025 report,
(2) developments related to topics covered in the 2025 country chapters, as well as any other new developments related to the rule of law.**

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.

This questionnaire also integrates the separate questionnaire on the single market from last year. In addition to these specific questions, respondents to the questionnaire are invited to consider the Single Market dimension, including any relevant cross-border issues, in all their answers.

Where questions of particular relevance under the single market dimension, this is indicated before the relevant question.

[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 and enforcement 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.

Where relevant, please also indicate whether the developments reported are linked to the implementation of reforms and investments under the national Recovery Resilience Plan. 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.

* 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

Medel (Magistrats Européens pour la Démocratie et les Libertés)

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism and Freedom
- ☐ 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://medelnet.eu>; <https://www.facebook.com/medel.europe.3>; <https://x.com/MedelEurope>;
@medeleurope.bsky.social

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

981119221130-18

* 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

Mariarosaria

Surname

Guglielmi

Email Address of the organisation

office@medelnet.eu

* 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 as we will not be able to guarantee anonymisation of these elements.**
- ☒ 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 2026 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 for contribution.docx](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Most of the alerts contained in the 2025 contribution are still completely valid and furthermore aggravated by the latest developments relating to the global wave of autocratization and global attacks on Rule of law values. Developments threatening judicial independence are part of a broader context, that is calling into question the very principle of the separation of powers and the system of checks and balances (see ENCJ statement of June 4, 2025 https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/Declaration%20of%20Riga%20_final.pdf), and include: -an increasing intolerance towards the judiciary for its role as impartial guarantor of fundamental rights and for its power to review the legality of the actions of the executive; this trend is particularly evident in certain national contexts where the main targets of such intolerance are judges dealing with migration cases, following their decisions which, although referring to supranational sources to protect individuals, are considered arbitrary as they are not in line with restrictive national policies and national interests; -political criticism of judicial decisions and populist rhetoric, questioning the democratic legitimacy of the judiciary and the impartiality of judges and prosecutors by accusing them to play a political role; -attacks and delegitimization affecting as well the role that national judges play as European judges, in reaffirming the primacy of EU law and supranational sources; part of the same trend is the non-compliance with CJEU judgments and the persistent non-compliance or incomplete implementation of ECtHR judgments; - the failure to implement decisions contrary to the government's position, the lack of adequate consultation with the judiciary on relevant draft legislation, and the implementation of reforms without the consent of the judiciary (see ENCJ stat.); - informal court-curbing policies and structural and constitutional reforms aimed at weakening judicial systems and their key institutions, such as High Councils and Prosecution services, supported by aggressive media campaigns, led also by high profile politicians, producing a distorting mirror image of the judiciary;- on the grounds that it compromises the impartiality and political neutrality of the judiciary, the attempt to limit the freedom of speech and association of judges, prosecutors and their associations; - smear campaigns, profiling and doxing attacks against individual magistrates.

MEDEL reiterated its interventions in support of the judiciary and judicial associations in different contexts: denouncing the risk of a dangerous delegitimization of the judiciary and the prejudice to the trust of the citizens in its impartiality and fairness and in its effective role of impartial guarantor of fundamental rights (<https://medelnet.eu/medel-statement-on-romania/>; <https://medelnet.eu/statement-on-the-recent-attacks-on-the-french-judiciary/>); the necessity to adequately address systemic deficiencies that jeopardize the independence of the judiciary (<https://medelnet.eu/medel-statement-on-moldova/>); the serious risks to the Rule of law posed by a radical revision of the constitutional framework and the guarantees it provides for key institutions such as the public prosecutor and the Superior Council for the Judiciary; (<https://medelnet.eu/solidarity-with-all-italian-magistrates-and-the-associazione-nazionale-magistrati/>; <https://medelnet.eu/statement-on-constitutional-reform-of-the-judiciary-in-italy/>) ; the risks related to the globalisation of attacks on democracy, international law, international humanitarian law, supranational judicial institutions - such as the International Criminal Court - against the backdrop of mass human rights violation (<https://medelnet.eu/eu-should-defend-the-icc/> ; https://medelnet.eu/medel-stands-in-support-of-the-international-criminal-court-and-in-solidarity-with-its-officials/#_ftn1; <https://medelnet.eu/medel-stands-in-support-of-the-international-criminal-court-and-in-solidarity-with-its-officials/>)

Medel focused on pressure against the judiciary organizing conferences on these topics, involving academics and judicial associations: <https://medelnet.eu/international-conference-berlin-28-february-2025/> ; <https://medelnet.eu/international-conference-next-ca-of-medel-athens-november-21st-22nd-2025/>; <https://medelnet.eu/the-backsliding-of-the-rule-of-law-and-the-pressure-exerted-on-the-judiciary-in-europe-the-role-of-the-european-union-international-conference-athens-21-november-2025/>; <https://medelnet.eu/judges-in-the-crisis-of-democracies-florence-29-11-2025/>

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 2025 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2025 Rule of Law Report and any other significant developments since January 2025 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 2025 Report regarding the justice system (if applicable)

5000 character(s) maximum

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 Draft of Organic Law on the Expansion and Strengthening of the Judicial and Prosecution Careers was approved by the Government in the Council of Ministers on 21.1.25 and is currently under parliamentary consideration. The draft law provides, inter alia, for an amendment to the system of access to the judicial and prosecution careers. Under the amended system, the existing sequence of 3 examinations -comprising an initial multiple-choice test followed by 2 oral examinations- is modified by replacing the second oral examination with an anonymised written test (legal opinion). This change represents a step forward in ensuring a more objective and balanced access procedure for both careers. The draft law reinstates a written practical test, the previous removal of which had been unjustified, and which is a standard requirement for all higher-grade bodies of the public administration. With regard to preparatory training for the competitive examination, the draft law provides for the establishment of a national public training centre, accessible to candidates who so request. Medel member association, Unión Progresista de Fiscales is strongly supportive of measures aimed at ensuring greater transparency in the preparation for competitive examinations, including the mandatory declaration of preparatory activities, and welcomes the creation of a publicly funded national centre capable of providing support to candidates under equal conditions. Furthermore, the draft law incorporates, and grants statutory recognition to the SERÉ Scholarship scheme, which constitutes an essential instrument to ensure that financial constraints shall no longer prevent potential candidates from embarking on the preparation for these competitive examinations. This measure is therefore instrumental in reinforcing the principle of equal opportunities in access to the judicial and prosecution careers in Spain.

The draft law also establishes, for entry into the prosecution career (a route already existing for the judicial career), the so-called “fourth entry route”. Eligibility for this route requires a minimum of 5 years of relevant prior professional experience before sitting the examination. In addition, and in response to the requirements of the European Commission and the Court of Justice of EU concerning the need to limit the use of temporary employment in the judicial public sector, the draft law provides for a stabilisation procedure for substitute prosecutors and judges. Access under this procedure is organised primarily through a competitive procedure with a merit component (competition-examination), allowing the assessment of the previous professional experience of substitutes already performing such functions. Candidates who successfully complete this procedure shall be admitted to the Prosecution Career, placed at the end of the most recent ordinary intake. The UPF considers that this model of access must remain exceptional and cannot become a regular or alternative route to the judicial and prosecution careers. This requires the progressive abolition of the current substitution system in its existing form and the establishment of internal substitution mechanisms ensuring the quality and continuity of the public service.

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

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

The functional legitimacy of the General Council of the Judiciary (CGPJ) is called into question by its appointment decisions since they do not reflect the actual composition of the judicial career (where 58.2% are women). Evidence suggests that the lack of effective controls over the results of discretionary appointments allows for the persistence of structural biases, moving away from a plural and balanced composition. Official data from the CGPJ allows for the clear identification of a structural gap between access to the judicial career and the distribution of judicial power. As of January 1, 2025, the judicial career has 5,431 active judges and magistrates, of whom 3,161 are women (58.2%). This female majority intensifies in the initial brackets: women represent 69.4% between ages 25 and 30, 65.7% between 31 and 40, and 60.3% between 41 and 50. In the most recent entry, 74.4% of the 2024 class were women with average ages identical to those of men. This feminization does not translate to the higher levels: women represent only 19.6% of the Supreme Court, 19.4% of the presidencies of Provincial Courts, and 34% of the Chamber presidencies of the High Courts of Justice, a percentage that drops to 15.8% in the Civil and Criminal Chambers. In central bodies, female presence stands at around 32.6%. Segregation is also horizontal. Women are mostly concentrated in base-level bodies and specific jurisdictions: 76.9% in Courts of Violence Against Women, 70.5% in Courts of First Instance and Instruction, 69.6% in Juvenile Courts, and 67.4% in Criminal Courts, while their presence systematically decreases in Provincial Courts, High Courts of Justice, and central bodies. Spain has specific regulations such as Organic Law 3/2007, for the effective equality of women and men; several subsequent regulations have insisted on the need to guarantee parity in the so-called discretionary positions of the Judiciary, culminating in Organic Law 2/2024, on paritarian representation and balanced presence of women and men, by virtue of which the principle of balanced presence of women and men will be guaranteed in all appointments and promotions involving any margin of discretion or assessment of merits. The new Regulation 1/2025 on the provision of discretionary appointment positions in judicial bodies, however, does not contain provisions that guarantee real and effective gender equality in access to these positions. Despite the majority feminization of the judicial career, the presence of women in bodies and positions whose access depends directly or indirectly on the CGPJ remains systematically below 30%, and in some cases below 20%. The analysis of official data from the CGPJ regarding permits and leaves for the year 2022 highlights that permits linked to maternity, breastfeeding, the care of minors or relatives, and work-hour modulations associated with reconciliation present a significant aggregate impact in terms of effective service time which is not neutralized through specific institutional mechanisms in the promotion and appointment systems. From the perspective of international human rights law, these effects fit fully within the notion of indirect discrimination, by producing disproportionately adverse results despite the formal neutrality of the applicable rules. The cited data come from official statistics of the CGPJ for the year 2022 (Permits and leaves), in particular from the table "Number of days per magistrate and cause." The indicator used by the CGPJ expresses the annual average of permit days per magistracy and type of cause, which allows for an evaluation of the aggregate impact of each permit modality in terms of effective service time and professional trajectory, without identifying individual situations. On the other hand, the evident gender impact that caregiving has within the judicial career could have been used as an opportunity to guarantee the principle of effective equality, recognizing the time dedicated to the care of family members and dependents as a specific merit in discretionary designation procedures. This proposal, presented to the CGPJ from various spheres, was nevertheless dismissed, meaning the impact this will have on the professional careers of female judges and magistrates will continue to be negative. This is despite the fact that the II Equality Plan of the Judicial Career, approved by the Plenary in January 2020, already established as a measure the need to consider the curricular value of care work and attention to family and dependent persons as merits for access to discretionary appointment positions.

Allocation of cases in courts

5000 character(s) maximum

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

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

Independence/autonomy of the prosecution service

5000 character(s) maximum

On 20.11. 25, the Spanish Supreme Court, through a press release, announced the conviction of the then General Prosecutor of the State. This event does not concern solely the criminal liability of an individual but has a clear impact on the entire prosecution office and the overall image of the judiciary, involving several aspects: – the real scope of the presumption of innocence in proceedings of maximum public exposure;– the evidentiary standard required when judging the head of a constitutional institution;– the balance between procedural confidentiality and the citizens’ right to receive truthful information;– the robustness of guarantees in proceedings without a second instance;– the strength of the rule of law in exceptional cases; - the internal discrepancies, expressed in the dissenting opinion, on European standards of procedural safeguards, and on the systemic effects that a ruling of such scope projects into the future. The case concerns an institutional statement, intended to stop a publicly circulating falsehood that affected the prestige of a constitutional institution, and involves as well constitutional values such as the presumption of innocence of the investigated /accused person, the public’s right to receive truthful information, the institutional duty of the Public Prosecution Service to defend itself.

The judgment has been issued by the Supreme Court not acting as a court of cassation, but as a court of first and final instance, with no real possibility of ordinary review; the accused person was the prosecutor holding a constitutional responsibility, investigated for an act carried out in the context of his institutional role, which requires reinforced deliberation and strict adherence to guarantees not only in terms of due process, but due to the relevance for the entire Public Prosecution Service, the Institutions and Society as a whole. While the dissenting opinion stated that: “the note was not only lawful but the only lawful option available” , according to the majority, issuing the note constitutes an offence. These conflicting evaluations could have worrying repercussions on the stability of the constitutional structure of the Prosecutor General’s Office: a system cannot require to perform an institutional act which, based on another equally legitimate legal interpretation, could retroactively constitute a criminal offence resulting in disqualification. If the same institutional behaviour is interpreted as a “crime” by some magistrates and as a “legal obligation” by others, the system shows a violation of legal certainty that is incompatible with the rule of law. This concerns not only the defendant, but the entire public prosecutor’s office, whose future actions are thus exposed to an intolerable risk that an act of transparency, institutional defence or legal protection may subsequently be reinterpreted as a criminal offence.

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

5000 character(s) maximum

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

5000 character(s) maximum

The case against the Prosecutor General- above reported- represents a development compromising the appearance of impartiality of the judiciary and the autonomy of Prosecutor from interferences, also taking into account other circumstances involving the basic principles on the independence of the Judiciary such as: the Composition of the Court, since the panel included the same five judges who initially admitted the complaints, suggesting a "pre-judgment" bias; the exceedingly broad seizure of digital life unrelated to the crime (the search of the Prosecutor General's headquarters was marked by significant disproportionality since the investigation focused on events occurring between March 13–14, 2024, the order included data spanning over eight months and, although a later order restricted the analysis period, the seized personal and private material remained in the custody of the Civil Guard; leaks of these private data to the media occurred subsequently, but no judicial investigation was opened to identify the source of these secondary leaks); the information published concerning academic cooperation between a judge and lawyers representing both the private and popular prosecutions; the verdict and lack of motivation [on November 20, 2025, the Court took the highly unusual step of announcing the Ruling (Conviction)—imposing a fine and a 2-year disqualification—without providing the grounds (reasoning) and the legal justification remained unknown for 19 days].

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)

[single market relevance] Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

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

[single market relevance] Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

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

The shortage- and, in many instances, the complete absence- of adequate material resources, particularly the significant deficiencies in the technological tools available to the Spanish Public Prosecutor's Office, is evident. This structural weakness is often further aggravated by Spain's administrative organisation. Within this context, it is essential, on the one hand, that regional administrations assume a proactive role in the development and modernisation of technological resources. On the other hand, it is equally necessary to promote their standardisation through the establishment of a State Agency for the Administration of Justice. Such an entity would be responsible for issuing strategic guidelines and directives aimed at harmonising information systems and digital applications. Its creation would put an end to the current and unsustainable proliferation of mutually incompatible systems and ensure the digital autonomy of the Spanish Public Prosecutor's Office.

While it is true that Spanish prosecutors currently have access to the Copilot programme through the *fiscal.es* portal, Medel member association UPF considers it imperative to formally integrate artificial intelligence tools into the Spanish Public Prosecutor's Office since these tools should enable to provide high-quality public service on an equal footing with other legal professionals. In connection with this objective, the following measures are considered essential:

- Promotion and funding of robotic process automation solutions for the management of enforcement proceedings, as well as artificial intelligence systems designed to facilitate the handling of fast-track criminal proceedings during on-duty shifts.
- Subscription-based access for all prosecutors to a robust, reliable, and legally specialised artificial intelligence platform that can serve as a daily support tool, comparable to the access to legal databases that was provided in the past, and it is currently in use.
- Comprehensive and specialised training for prosecutors in the field of artificial intelligence, enabling its effective use while ensuring strict compliance with data protection requirements and safeguarding fundamental rights potentially affected by such technologies.
- Finally, ensuring the digital autonomy of the Spanish Public Prosecutor's Office is indispensable. Digital autonomy refers to the ability of an institution or individual to exercise effective control over its activities in the digital environment, making informed decisions, managing information responsibly, and protecting privacy without undue dependence on third parties or external platforms.

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

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

The judicial landscape for the protection of women has undergone a radical shift with the entry into force of the Organic Law 1/2025 on the Efficiency of the Public Justice Service in order to adapt legislation to the Istanbul Convention. The reform does not just change the names of certain bodies; it drastically expands the catalog of crimes that Violence Against Women Court must manage. A) New Competencies: Beyond the partner. Traditionally, the courts only handled cases where an affective relationship existed; with the new law, the focus shifts toward sexual and gender-based violence in a broad sense.

- Comprehensive Sexual Violence: They now take on all crimes against sexual freedom regardless of whether the aggressor is a partner, an acquaintance, or a stranger.

- Trafficking and Exploitation: They have jurisdiction over human trafficking for the purpose of sexual exploitation when the victim is a woman.
- Crimes Against Privacy and Honor: Investigation of crimes such as sexting (revelation of secrets) and insults linked to gender.

- Vicarious Violence: This is in process of being specifically codified, reinforcing the court's power to protect minors used as instruments to harm the mother.
- Civil Sphere: Increased capacity to issue urgent measures regarding guardianship, custody, and child support at the same time the criminal complaint is filed.

B) Critical difficulties and challenges. The implementation of these competencies has sparked a strong reaction within the judicial career due to the gap between the workload and available resources. Main challenges are as follows: 1) The threat of operational collapse. • Workload: An increase in the volume of cases is estimated between 12.9% and 20%. Although the Government has approved the creation of approximately 50 judge positions and 42 prosecutor positions, many will not be operational until late 2026. • Saturation in Mixed/District Courts: In smaller cities, investigative courts that also handle gender violence are "overwhelmed," as they must prioritize urgent protection orders, delaying the rest of the judicial agenda.

2) Infrastructure deficiencies • Spatial "Tetris": Many courts lack enough separate rooms. This causes victims and aggressors to coincide in hallways or entrances, leading to secondary victimization and unnecessary tension. There is a risk of visual confrontation between victim and aggressor that could be solved with architectural reforms and "friendly rooms". •Lack of Assessment Units: Institutes of Legal Medicine (IML) often do not have enough Comprehensive Forensic Assessment Units (UVI/USMI) to issue the psychological and social reports that a judge needs to decide on a protection order in less than 72 hours. 3) The Specialization Challenge •Continuous Training: Changing the law is not enough; judges and staff must be trained in the Ley Orgánica 10/2022 ("Only Yes Means Yes" Law) and the new dynamics of digital sexual aggression, which require complex technological expertise for which specialized personnel are not always available.

4) Territorial jurisdiction: •In this cases is determined by the victim's domicile (according to Article 15 bis of the Criminal Procedure Law).In these cases, involving human trafficking and sexual exploitation , it's difficult because implies organized crime operating in different locations, with victims who, in some cases, don't even have a fixed address. •Another interesting point is that the connection between offenses is limited by Article 15 bis of the Criminal Procedure Law regarding jurisdictional issues. The dynamics of violence are linked to the medial connection and the connection used to achieve impunity. In all these cases, the crimes of human trafficking and illegal immigration are not considered medial concurrence, but rather real concurrence due to the very phenomenon of trafficking.

3. New Courts specialised on Violence against Children and Juveniles .Violence against children is any action or omission that harms children under 18 years of age is combated with the Organic Law on Comprehensive Protection of Children and Adolescents against Violence (2021), which seeks to prevent it and protect victims through a comprehensive approach. The criteria for jurisdiction have changed, and there is currently a broad debate regarding jurisdiction to hear these crimes when the victim is a girl. The Article 87 bis, 7 refers to the jurisdiction of courts specialized in violence against women, but if it is applied to all cases, it renders courts specializing in violence against children meaningless. There is a broad debate if it should only apply to those cases that originally fall under the jurisdiction of the violence courts, that is, cases of vicarious violence when they are assigned to Violence Against Women Court , and also when the minor and the perpetrator have a relationship.

[single market relevance] Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial 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 in the introduction)

[single market relevance] Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

5000 character(s) maximum

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 2025 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

From the recommendations issued by GRECO in its Fifth Evaluation Round Report (Preventing corruption and promoting integrity in central governments –top executive functions – and law enforcement agencies), published on 1 August 2025, it may be concluded that Spain's level of compliance with the aforementioned recommendations has been limited. Nevertheless, the following should be highlighted.

On 17 September 2024, the Council of Ministers approved the Action Plan for Democracy, which envisaged:

- The adoption of the new Open Government Strategy and the submission to the Spanish Parliament of the Draft Law on Open Administration, aimed at expanding transparency obligations, strengthening oversight of public officials-particularly with regard to conflicts of interest-and enhancing public participation and cooperation with civil society in public affairs. This initiative has not been implemented.
- The adoption of a Royal Decree to develop a strategy to combat corruption, as provided for in Law 2/2023. Royal Decree 711/2025 of 26 August was adopted, creating the Interministerial Commission for the Promotion of the State Plan to Combat Corruption, and establishing its composition and functioning. No further action has been taken since then.
- The adoption of the Royal Decree expanding the organic staff of the Public Prosecutor's Office to create two new specialised units within the Office of the Prosecutor General, with a view to strengthening the fight against public and private corruption. This expansion was carried out through the creation of the Prosecutor of the Economic Crimes Chamber and the Prosecutor of the Public Procurement Crimes Chamber. Furthermore, the Government approved the Preliminary Draft Law amending Law 50/1981, which has governed the Public Prosecutor's Office for nearly 45 years. Through this reform, the Government addresses the main recommendations of the European Commission and the GRECO regarding the reinforcement of the autonomy and independence of the Public Prosecutor's Office.
- The adoption of the Royal Decree establishing the Independent Authority for Whistleblower Protection provided for in Law 2/2023. The regulation of this Authority was developed through Royal Decree 1101/2024 of 29 October, which approved the Statute of the Independent Authority for Whistleblower Protection (A.A.I.). Together, these two instruments fully implement Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019.
- On 28 January 2025, the Council of Ministers approved the preliminary draft law on transparency and integrity in relation to interest groups, which is currently under parliamentary procedure in the Congress of Deputies.
- To facilitate the efficiency of investigations of an economic, financial and/or asset-related nature, the adoption of Organic Law 7/2021 of 26 May on the processing of personal data for the purposes of the prevention, detection, investigation and prosecution of criminal offences, and the enforcement of criminal penalties, was highly beneficial. Article 7 of this Law establishes a broad duty of cooperation in both the public and private sectors.
- Public administrations, as well as any natural or legal person, shall provide the judicial authorities, the Public Prosecutor's Office or the Judicial Police with the data, reports, background information and supporting documents requested and necessary for the investigation and prosecution of criminal offences or for the execution of penalties.

Requests made by the Judicial Police must be strictly related to the performance of the functions entrusted to them under Article 549.1 of Organic Law 6/1985 of 1 July and must always be duly reasoned, specific and concrete, with mandatory notification to the judicial and prosecutorial authorities. An exception is made for the communication of data, reports, background information and supporting documents by the Tax Administration, the Social Security Administration and the Labour and Social Security Inspectorate, which shall continue to require judicial or prosecutorial authorisation. This ensures a proper balance between the interest in investigating criminal offences and the citizens' right to privacy.

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/specialised 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 in particular as regards high-level officials (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 if available to you**, 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

[single market relevance] 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, investor residence schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*
- *In particular, measures to mitigate high risks of corruption in the area of public procurement, such as enhancing transparency and oversight (for example through digital technologies) and promoting fair competition and accountability in public procurement (e.g. targeted actions to address the high share of single bids) and measures to guarantee the effective and independent functioning of the public procurement review bodies.*

5000 character(s) maximum

[single market relevance] Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy, service provision and various types of construction)

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

It would be appropriate to extend the scope of the offence of unjustified enrichment, given that its subjective scope of application is currently extremely narrow.

Article 438 bis establishes that the offence is committed by any authority who, during the exercise of their functions or up to five years after leaving office, obtains an increase in assets or has obligations or debts cancelled in excess of

EUR 250,000 relative to their accredited income, and who openly refuses to comply with the requirements of the competent authorities intended to verify the justification for such enrichment.

It would be appropriate to extend this offence more generally so as to cover all forms of corruption—both public and private—as well as other forms of illicit enrichment. At the very least, it should be broadened to include all public officials (and not only authorities), as well as all persons, whether natural or legal, who maintain relations with the Public Administration.

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

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2025 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

[single market relevance] 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
- **[single market relevance]** 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

[single market relevance] 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 2025 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing, enacting and implementing laws

[single market relevance] Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'*/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 in the preparatory, the parliamentary and implementation phase (including guidance on how to implement legislation)

** This includes also the consultation of social partners*

5000 character(s) maximum

[single market relevance] 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

[single market relevance] Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

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 (including effective access to relevant data) 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 year

5000 character(s) maximum

[single market relevance] Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators such as national economic oversight, enforcement and competition authorities

C. Accessibility and judicial review of administrative decisions

[single market relevance] Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

5000 character(s) maximum

[single market relevance] 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

[single market relevance] Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)

5000 character(s) maximum

[single market relevance] 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

[single market relevance] 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

Oversight, including by courts, of the use of intrusive surveillance software by national authorities

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

Cross-pillar elements: cross-border rule of law issues related to the Single Market

If there are any significant challenges concerning the Single Market you have been facing in a cross-border context relating to any of the four pillars of the report, including for example issues with market access and the conditions for economic activities, that you would like to highlight, please do so here.

Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

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

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