

2024 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, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 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 2023^[1] falling under the ‘type of information’ outlined in section II.**

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.

[1] Unless the information was already submitted in the input 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:

A) Legislative developments

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

B) Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

C) Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[2])

D) 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.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

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.

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

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO

- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☒ Public authority or network of public authorities
- ☐ Other

* Organisation name

250 character(s) maximum

Consejo General del Poder Judicial (Spanish Counsel for the Judiciary)

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

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* 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 2024 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 2024 RoL 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 State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023[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.

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.

[3] 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 2023 Report regarding the justice system (if applicable)

5000 character(s) maximum

As regards the recommendations concerning the justice system, it should be noted that:

- The status of the Prosecutor General has not been strengthened, in particular as regards the temporary decoupling of the mandates of the State and Government Prosecutor General, taking into account European standards on independence and autonomy of the prosecution service;
- The renewal of the General Council of the Judiciary has not taken place and no steps have been taken to ensure that, immediately after the renewal, a process is initiated to adapt the appointment of its members elected from among judges and magistrates, taking into account European standards for judicial councils.
- Efforts have not been stepped up to address the stumbling blocks regarding the length of investigations and prosecutions in order to increase efficiency in the prosecution of high-level corruption cases, in particular by finalising the reform of the Criminal Procedure Code;

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

With regard to appointments, a distinction must be made between access to the judicial career and discretionary appointments.

Judges are selected on the basis of merit and ability after 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 (Supreme Court judges, Presidents of the National High Court, Regional High Courts of Justice, Provincial Courts and Presidents of Chambers).

Organic Law 4/2021 of 29 March introduces a new article 570 bis in the Organic Law 6/1985 of the Judiciary (LOPJ) limiting the powers of the Council for the Judiciary whose mandate has expired. According to this provision, the Council can no longer make these appointments, with the exception of the two judges of the Constitutional Court.

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

Judges are guaranteed the inviolability of their office except in the case of very serious misconduct. During 2023 no judge was removed from office.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

As explained above, with the article 570 bis LOPJ, the Council, as long as it remains exercising its functions ad interim, cannot make discretionary appointments. Judges whose mandates as president of the courts have expired are also exercising their functions ad interim. For the time being, this situation affects the president of the National High Court and to a large number of presidents of Regional and Provincial Courts (7 presidents of Regional High Courts of Justice, 24 Presidents of the Chambers of the Regional High Courts of Justice and 30 Presidents of the Provincial Courts).

The reform does not affect the promotion of judges to the category of senior judges, except in the case of promotion to the category of senior judges of the Supreme Court: of the 79 posts, 24 are currently vacant, in addition to 2 of presidents of its Chambers

Allocation of cases in courts

5000 character(s) maximum

The rules regarding the allocation of cases comply with the standards of the ENCJ, 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 consideration 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)

5000 character(s) maximum

As reflected in the Rule of Law Report 2022, concerns persist during 2023 about the lack of renewal of the Council. The Council has been exercising its functions ad interim since December 2018. A three-fifths majority of Parliament is required for its renewal. The Council's limited powers pose serious difficulties for the functioning of the Supreme Court, where 24 posts of the 79 posts of the Court are vacant in addition to the other vacancies appointed above.

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

In Spain, all the decisions of the CGPJ, whether they are governmental, appointments or disciplinary, are judicially controlled by the Third Chamber of the Supreme Court, without prejudice to the possibility of bringing proceedings for the criminal liability of its members before the Supreme Court itself. In 2023, 11 disciplinary cases were finalised, of which 2 were closed and 9 resulted in a sanction to a judge: in 1 case a fine was imposed and in 8 cases a suspension of less than 6 months was imposed. In the statutory regulations governing judges, a distinction is made between the disciplinary regime and the Code of Ethics, so that only the former establishes conduct subject to sanction. During the year 2023, the Spanish Judicial Ethics Committee continued its work, issuing the opinions that were requested in 4 cases. Of particular importance has its opinion about the possibility of participation of judges in public demonstrations and other events with political connotations. These opinions are not binding.

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

5000 character(s) maximum

Regulation 2/2018 establishes a system of extraordinary remuneration for the effort 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 performed for the strengthening of a court or tribunal.

In October 2023, the Royal Decree 775/2023 of 3 October was approved, updating the remuneration system for the judicial and prosecutorial careers, in accordance with Law 15/2003 of 26 May, regulating the remuneration system for the judicial and prosecutorial careers, in order to comply with the Agreement between the State Administration and the representatives of the professional associations of the judicial and prosecutorial careers.

Due to the practical difficulties in filling judicial posts in Catalonia, by agreement of December 2, 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 means about 5 million euros per year. This bonus already exists for other regions (e.g. Basque Country, Navarra). In view of the lack of response from the Ministry of Justice and taking into account that by agreement of the Permanent Commission of December 12, 2022 a complement for judges posted in the Balearic Islands was also requested, the CGPJ has reiterated to the Ministry of Justice the request on the establishment of a specific destination complement for judges posted in Catalonia. The request has not been met even during 2023.

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

In Spain, the independence of the Judiciary is guaranteed by sufficient means of control of legality, as a guarantee of the same. There has not been any judicial or sanctioning pronouncement in which the violation or disturbing attempt against the judicial independence or against 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 the public's perception of a lack of independence of the judiciary.

During the year 2023 there have been serious disqualifications by political leaders against judges in particular of the Supreme Court and other courts, which have led to various pronouncements demanding respect for judges by the Council, its president and the president of the Supreme Court.

In addition to this, some political groups have requested the opening of parliamentary investigation commissions to enable the investigation of judges by political parties, as well as the possibility that judges be summoned to appear before these commissions to give explanations on the cases in which they have intervened. This has led to the adoption of a unanimous agreement by the members of the Plenary of the Council rejecting this possibility.

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)

5000 character(s) maximum

The end of the legislature in 2023 implied the expiration in Parliament of the bills in the pipeline, including those related to procedural reforms to facilitate access to justice.

However, in December 2023, Royal Decree-Law 6/2023 of December 19 was approved, which has incorporated a good part of the measures included in the expired projects. The new measures to facilitate access to justice can be summarized as follows:

- Generalization of the holding of hearings and procedural acts (filing of pleadings, acts of communication, consultation of judicial files) by telematic means.
- The exception will be in the case of individuals not represented by an attorney, who may choose whether to communicate with the Administration of Justice on paper or by electronic means.
- Publication of judicial proceedings in streaming, with the possibility of establishing different levels of security and public access and the publication of the list of judicial proceedings, hearings and hearings to be held by each judicial body in the electronic judicial offices.
- Creation of the "Justice Folder" which will allow any person to consult the files in which he/she is a party or interested party, access and sign communication acts, access to the "Single Judicial Bulletin Board", request an appointment to be attended and access to a personalized agenda of proceedings before the Administration of Justice.
- Digitalization by the Judicial Office of all those documents that are submitted (as an exception to the general rule) in paper format.
- Submission of a standardized form with all writs initiating the procedure.

Resources of the judiciary (human/financial/material)

(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

1. In relation to digital resources, the activity of the Judicial Documentation Centre should be highlighted in the following areas:

- The AI tool developed by Cendoj, KENDOJ, continues to improve both in the detection of entities for pseudonymisation, and in the classification of documents that uses the models of analysed resolutions by taking advantage of the metadata of the analyses of both the voices accepted in the analyses, and those rejected and added.

-The document collection, as a database related to case law, legislation, publications and prosecution documents, has been improved, both in the linking between decisions in the case, increasing the number of decisions that already have a line between them, and in the display of the version of the rule cited and linked in the decisions.

The total number of decisions in the collection exceeds 8.5 million.

The publication of decisions of single-judge courts is increasing, which makes it possible to find out about the decisions of the courts of first instance with their different criteria.

-The document collection highlights groups of rulings either because of their special interest or because they are marked by experts, thus facilitating their search and adding data, such as summaries where appropriate, which are incorporated as added value to the rulings. For example, decisions marked as "of EU interest". Patent and Trademark decisions. Easy-to-read decisions...

-The document collection has increased the number of decisions of the European courts, both the CJEU and the ECtHR, with a total of more than 59,000, of which more than 42,000 from the ECtHR are in English with the possibility of using the translator incorporated into the database.

The number of European norms published in the document collection exceeds 78,000, which is allowing the number of links to the published case law to increase.

The line of transmission and making available to the European Portal (E-justice) and therefore to the citizens of the Member States of the European Union, of judgements handed down by the Supreme Court, National High Court, High Courts of Justice and Provincial Courts, is also being consolidated, with approximately four and a half million rulings being incorporated into its servers.

-The BI (Business Intelligence) project is making it possible to organise, analyse and obtain valuable information from the data in order to make decisions. Data obtained from resolutions, user behaviour with the databases and data from other external sources. With these analyses, we are in a position to know the comparison between the judicial statistics and the documentary collection and to request the resolutions from the judicial bodies to complete the documentary collection. We are in a position to know which decisions are most opened by the users of the database, distinguishing by jurisdiction and by organ. And what is the level of use of the databases, and the most used fields to make decisions for improvement.

-The "discovery tool" has managed to integrate and allow access to the doctrinal resources offered, from a single point of consultation and in the form of a web search engine.

-The development and incorporation of content in the Council's APP has been carried out, both in the Android operating system and in iOS.

2. The working groups set up in cooperation with the Judicial Academy for the development of model judgments for all jurisdictions have continued their work.

3. The plans promoted by the General Council of the Judiciary 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.

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

5000 character(s) maximum

Initial training takes place at the Judicial School in Barcelona, where in 2023 139 students were trained at the School and 160 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 (16), criminal (16) and shared jurisdiction jurisdictions (15). With regard to continuous training, in 2023 the total number of activities (including the State Plan, Extraordinary Plan, changes of order, etc.) was 425 and the number of participants was 10.427. This figure is very relevant considering 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, procedural rules, access to judgments online

5000 character(s) maximum

The measures included in the above-mentioned Royal Decree-Law 6/2023 include those relating to the "digital efficiency of the public justice service", which involve the introduction of the "General principle of data orientation" with the aim of introducing the use of artificial intelligence in the Administration of Justice. The following are some of the possible uses of artificial intelligence in the judiciary:

- Anonymisation of decisions.

- Searches and data analysis for document management purposes.

Production of "assisted" judicial actions, such as the creation of drafts of complex documents using generative artificial intelligence to support or support the issuing of a judicial or procedural decision.

- Promotion of the "Electronic Court File", which includes all documents, formalities, electronic proceedings and audiovisual recordings that form part of each judicial procedure. These files will be accessible both from the "Justice Folder" and from the different electronic judicial offices in each of the territories.

- Communication of procedural acts by telematic means, including the possibility of mass communications by telematic means.

- Strengthening of interoperability, through the exchange of electronic files both between judicial or prosecutorial bodies and between the Justice Administration and the rest of the Public Administrations.

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)

5000 character(s) maximum

The CGPJ website offers extensive information on judicial statistics and the Transparency Portal of the CGPJ website includes a 10 section where the estimated average duration of judicial proceedings can be consulted.

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

5000 character(s) maximum

During 2023, a draft Organic Law on the organisational efficiency of the public justice service was processed which, as the most outstanding novelty, envisaged the implementation of the First Instance Courts in the first step of the judicial organisation, an organisational model which will allow, in certain cases, the single-person

bodies to act in a collegiate manner. The CGPJ, in its opinion of 28 October 2021, positively assessed this legislative initiative (the third, after the failed attempts to reform the LOPJ in 2011 and 2014), as it represented a step towards the modernisation and rationalisation of the judicial organisation. These measures have not been incorporated into the aforementioned Royal Decree-Law 6/2023, of 19 December

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

5000 character(s) maximum

Other - 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 2023 Report regarding the anti-corruption framework (if applicable)

5000 character(s) maximum

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

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

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 and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

5000 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)

5000 character(s) maximum

Rules and measures to prevent and address 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

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

5000 character(s) maximum

In 2023, Law 3/2023 of 20 February on the protection of persons who report regulatory infringements and the fight against corruption was adopted, transposing Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report on Union law.

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, 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)

5000 character(s) maximum

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

5000 character(s) maximum

C. Repressive measures

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

5000 character(s) maximum

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

5000 character(s) maximum

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)

5000 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

5000 character(s) maximum

Other - 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 2023 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 adopted to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

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 operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

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

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

Other - 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 2023 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

From 1978 onwards, and throughout the ten 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 laws 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. During the year 2023 there has been a peculiar exception, since the Parliament has requested the Council's report in relation to the proposed law on amnesty for crimes committed during the illegal declaration of independence of Catalonia that took place in 2017. The peculiarity derives both from the novel fact that it has been requested by Parliament and from the discrepancy on the matter between its chambers, since the request was made by the Senate but rejected by the Congress of Deputies.

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)

5000 character(s) maximum

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

5000 character(s) maximum

In 2023, the CGPJ received 13 requests for reports on draft legislation, 5 of them under the urgency procedure, and in 12 cases where an extension was requested, 5 were 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 a report. 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 could undermine the autonomy and independence of the parliamentary function.

Regime for constitutional review of laws

5000 character(s) maximum

The Constitutional Court has resolved one of the appeals of unconstitutionality brought against the reform of the LOPJ introduced by Organic Law 4/2021, which limited the powers of the Council, while the second appeal is still pending.

The ruling considered the reform to be in accordance with the Constitution, although four of its judges issued a dissenting vote.

B. Independent authorities

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

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

5000 character(s) maximum

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

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

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

5000 character(s) maximum

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

Judicial review of administrative decisions:

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

D. The enabling framework for civil society

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

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

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.)

5000 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, education initiatives etc.)

5000 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.

In addition to this, the CGPJ actively participates in the working groups of the Ibero-American Judicial Summit, of which 23 judiciaries form part, and forms part of the executive committee of the European Network of Inspection Services, made up of France, Portugal, Belgium, Bulgaria, Romania, Czech Republic, Italy, Albania (observer).

Other - please specify

5000 character(s) maximum

From 11 to 17 January 2023, the company Metroscopia carried out a survey commissioned by the Council, which yielded the following interesting data:

- 8 out of 10 respondents considered judges to be competent and well-trained professionals.
- 7 out of 10 respondents considered that judges represent the real guarantee of the rule of law.
- 79% of those surveyed considered that justice is slow.
- In an overall assessment, 75% of respondents were highly positive.

Contact

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