



**Reference data 2018 (01/01/2018 - 31/12/2018)**

**Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019**

**Objective :**

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

**Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

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## 1.General and financial information

### 1.1.Demographic and economic data

#### 1.1.1.Inhabitants and economic general information



##### 001. Number of inhabitants (if possible on 1 January of the reference year +1)

[ 47 007 367 ]

Comments

**002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)**

	Amount
State or federal level	451 118 993 970 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	185 548 209 104 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**003. Per capita GDP (in €) in current prices for the reference year**

[ 25 703 ]

Comments

**004. Average gross annual salary (in €) for the reference year**

[ 23 033 ]

NA

Comments

**005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1**

[            ]

Allow decimals : 5

NAP

Comments

**A1. Please indicate the sources for answering questions 1 to 5**

Sources: INE (National Institute of Statistics).

General State Budgets. Red Series Treasury. Autonomous Regions Budgets.

GDP and main components. EUROSTAT.

**1.1.2. Budgetary data concerning judicial system**



**006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.**

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	3 761 667 196 [ ] NA [ ] NAP	3 700 111 306 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	2 463 711 504 [ ] NA [ ] NAP	2 741 959 905 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation</b>	209 595 045 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	55 469 354 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>6. Annual public budget allocated to training</b>	16 875 099 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>7. Other (please specify)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: The figure on budget allocated to computerisation does not include the budget of Autonomous Region of Valencia

**007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

**008. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:**

	<b>Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ?</b>
<b>for criminal cases</b>	( ) Yes ( X ) No
<b>for other than criminal cases</b>	( ) Yes ( X ) No

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions?

**008-1. Please briefly present the methodology of calculation of these court fees:**

- Nowadays, there is only a fixed quantity whose amount depends on the quantity of the claim.

**008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:**

- [ 150 ]
- [ ] NA
- [ ] NAP

Comments

**009. Annual income of court fees received by the State (in €):**

- [ 37 321 000 ]
- [ ] NA
- [ ] NAP

Comments The Royal Decree 1/2015, 27 February amending the Law 10/2012 and requiring the payment of court fees to start court proceedings only from companies and not natural persons, on the one hand; the Judgments of the Constitutional Court that declared the nullity of certain components of the final amount, on the other hand. Both reasons can explain the decrease.

**012. Annual approved public budget allocated to legal aid, in €.**

	<b>TOTAL</b>	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	299 789 366 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.1 for cases brought to court (court fees and/or legal representation)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

**012-1. Annual implemented public budget allocated to legal aid, in €.**

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	296 294 718 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:

### 013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in € (including 13.1)</b>	293 102 752 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>13.1. Annual public budget allocated to training of public prosecution services</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: Prosecution services budget only includes the gross salaries. The rest of the items cannot be separated of the functioning of the Courts.

### 014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
<b>Ministry of Justice</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Other ministry</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Parliament</b>	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Supreme Court</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

<b>High Judicial Council</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Courts</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Inspection body</b>	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP	( ) Yes (X) No [ ] NAP
<b>Other</b>	(X) Yes ( ) No [ ] NAP	(X) Yes ( ) No [ ] NAP	(X) Yes ( ) No [ ] NAP	(X) Yes ( ) No [ ] NAP

If any other Ministry and/or inspection body and/or other, please specify: In the Autonomous Regions with competences in Justice (12 from 17): Justice Department and parliamentary Assembly

**014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?**

	<b>Preparation of the budget</b>	<b>Arbitration and allocation of the budget</b>	<b>Day to day management of the budget</b>	<b>Evaluation and control of the use of the budget</b>
<b>Management Board</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Court President</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Court administrative director</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Head of the court clerk office</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Other</b>	(X) Yes ( ) No	(X) Yes ( ) No	(X) Yes ( ) No	(X) Yes ( ) No

Comments - If "other", please specify: Directorate General of Relations with the Administration of Justice, and similar departments in the Autonomous Regions with competences transferred.

**A2. Please indicate the sources for answering questions 6 to 14:**

Sources: Budgetary data are transferred by the Administrations competent to the National Commission for Judicial Statistics.  
In other questions, the Law.

**1.1.3. Budgetary data concerning the whole justice system**

**015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the whole justice system in €</b>	5 947 951 185 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

National Comision for Judicial Statistics centralizes and provides data.

### 015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

	Included	Not included	Does not exist (NAP)
Courts (see question 6 or 7)	( X )	( )	( )
Legal aid (see question 12 or 7)	( X )	( )	( )
Public prosecution services (see question 13 or 7)	( X )	( )	( )

Budgetary data centralized by National Comision for Judicial Statistics.

### 015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	( X )	( )	( )
Probation services	( X )	( )	( )
High Judicial Council	( X )	( )	( )
Constitutional court	( )	( X )	( )
Judicial management body	( X )	( )	( )
State advocacy	( X )	( )	( )
Enforcement services	( X )	( )	( )
Notariat	( X )	( )	( )
Forensic services	( X )	( )	( )
Judicial protection of juveniles	( X )	( )	( )
Functioning of the Ministry of Justice	( X )	( )	( )
Refugees and asylum seekers services	( )	( X )	( )

Immigration Service	( )	( X )	( )
Some police services (e.g. : transfer, investigation, prisoners' security)	( )	( X )	( )
Other	( X )	( X )	( X )

If "other", please specify: Regarding the probation services, it does not exist a unit or department called 'probation services'. Depending on the phase of the proceeding (Judgement or Enforcement), the Court competent to order the suspension of the prison penalty can be the Court that has judged the case or other specialized Courts (on Prison Supervision). The subsequent control of the compliance by the person sentenced of the legal conditions is followed by the Police, and by the 'Penalty and Alternative Measures Management Services' (both of them within the Ministry of Interior) and also by the competent Court. The Budget for the judicial system includes only the part for Courts and civil servants that serve in Courts. Not the control carried out by bodies within the Ministry of Interior.

Regarding forensic services, these services are under the competences of the Ministry of Justice, and their buildings, material resources and main professionals are part of the budget for Justice provided. Since 2016 the Notariat is included in the whole justice system budget whereas it was not the case for previous cycles.

### A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Budgetary data centralized by National Comision for Judicial Statistics.

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1. Scope of legal aid

#### 016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP
Legal advice, ADR and other legal services	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP

#### 016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- A Legal Aid Commission will be established in each province as the body responsible for recognizing the right. The Central Commission of Legal Aid is composed of the Deans of the Bar Association and the 'Procuradores' Association of Madrid, or the lawyer or 'Procurador' they designate, a State Attorney and an official of the Ministry of Justice.

The General Bar Association and the General Council of 'Procuradores', and their respective Colleges, will organize the compulsory legal aid and defense, guaranteeing, in any case, its continued performance under criteria of functionality and efficiency.



**017. Does legal aid include the coverage of or the exemption from court fees?**

Yes

No

NAP

If yes, please specify:

**018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?**

Yes

No

NAP

If yes, please specify:

**019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?**

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

**2.1.2. Information on legal aid**

**020. Please indicate the number of cases for which legal aid has been granted:**

	Total	Cases brought to court	Cases not brought to court
<b>TOTAL</b>	1 890 250 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In criminal cases</b>	595 603 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In other than criminal cases</b>	1 294 647 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

**021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**

Assisted by a free of charge lawyer

<b>Accused individuals</b>	( X ) Yes ( ) No
<b>Victims</b>	( X ) Yes ( ) No

Comments - If yes, please specify:

**022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?**

	<b>free selection of lawyer</b>
<b>Accused individuals</b>	( ) Yes ( X ) No [ ] NAP
<b>Victims</b>	( ) Yes ( X ) No [ ] NAP

Comments

**023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?**

( X ) Yes

( ) No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: The figure is higher in case the person is integrated into a family unit (and even higher if the family has 4 or more members). (Article 3 Legal assistance law).

As for assets, there is no numerical value. The legal reference indicates that "the person does not have enough assets", and to assess this, it is necessary to take into account whether the person has other real estate (other than their home) or income from real estate.

**023. If yes, please specify in the table:**

	<b>Annual income value (for one person), (in €)</b>	<b>Assets value (for one person), (in €)</b>
<b>Full legal aid to the applicant for criminal cases</b>	15 039 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Full legal aid to the applicant for other than criminal cases</b>	15 039 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Partial legal aid to the applicant for criminal cases</b>	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP
<b>Partial legal aid to the applicant for other than criminal cases</b>	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP

**024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

( X ) Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

**025. Is the decision to grant or refuse legal aid taken by:**

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

**026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**B1. Please indicate the sources for answering questions 20 and 23 :**

Sources: 23.- Law on Legal Aid, 10 january 1996

**2.2.Court users and victims**

**2.2.1.Rights of the users and victims**

**028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public may have free of charge access to the following:**

	Yes	Internet adresse(es)
legal texts (e.g. codes, laws, regulations, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/> <a href="https://www.boe.es/">https://www.boe.es/</a>

case-law of the higher court/s	( )	( X ) <a href="http://www.poderjudicial.es/search/indexAN.jsp">http://www.poderjudicial.es/search/indexAN.jsp</a>
other documents (e.g. downloadable forms, online registration)	( )	( X ) <a href="https://www.mjusticia.gob.es/cs/Satellite/Portal/es/servicios-ciudadano/tramites-gestiones-personales/relacion-descarga-modelos">https://www.mjusticia.gob.es/cs/Satellite/Portal/es/servicios-ciudadano/tramites-gestiones-personales/relacion-descarga-modelos</a>

Please specify what documents and information are included in “other documents”:

**029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

( ) Yes, always

( X ) No

( ) Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

**030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?**

( X ) Yes

( ) No

Comments - If yes, please specify:

**031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
Victims of terrorism	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
Minors (witnesses or victims)	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
Victims of domestic violence	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
Ethnic minorities	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
Disabled persons	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
Juvenile offenders	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If "other vulnerable person" and/or "other special arrangements", please specify:

**031-1. Is it possible for minors to be a party to a judicial proceeding:**

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.): The minor is represented by his/her parents or guardian, failing that, a 'judicial defender' is appointed. While the latter is appointed, he is represented by the Prosecutor.

**032. Does your country allocate compensation for victims of offences?**

Yes, please specify for which kind of offences: for example, terrorism or violence against woman

No

Comments for example, terrorism or violence against woman

**032-1. Is a court decision necessary in the framework of the compensation procedure?**

Yes

No

Comments

**033. If yes, does this compensation come from:**

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments In case of terrorism, the responsible party is obliged to pay the compensation established by Judgment. But the State assumes that compensation extraordinarily if necessary.

In case of violence against woman, there is public support for women victims of violence against woman.

**034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?**

Yes

No

Comments - If yes, please specify:

**036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

( X ) Yes

( ) No

[ ] NAP

Comments - If necessary, please specify:

### 037. Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	530 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	1 933 473 [ ] NA [ ] NAP
<b>Excessive length of proceedings</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Non-execution of court decisions</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Wrongful arrest</b>	104 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Wrongful conviction</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Other</b>	426 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): In 2018, 332 files were initiated for abnormal functioning, 104 for preventive detention, 94 for judicial error. € 722,888.06 were paid for administrative condemnations and € 1,210,585.35 for judicial condemnations

### 2.2.2 Confidence and satisfaction of citizens with their justice system



038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
<b>1. Surveys aimed at judges</b>	[ ] Annual [ ] Other regular [ X ] Ad hoc	[ X ] Annual [ ] Other regular [ ] Ad hoc
<b>2. Surveys aimed at court staff</b>	[ ] Annual [ X ] Other regular [ ] Ad hoc	[ ] Annual [ X ] Other regular [ ] Ad hoc
<b>3. Surveys aimed at public prosecutors</b>	[ ] Annual [ ] Other regular [ ] Ad hoc	[ ] Annual [ ] Other regular [ ] Ad hoc

<b>4. Surveys aimed at lawyers</b>	<input checked="" type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input checked="" type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>5. Surveys aimed at the parties</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>7. Surveys aimed at victims</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>8. Other not mentioned</b>	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: The General Bar Association, in collaboration with the European Network of Councils of the Judiciary has launched a survey on the perception of independence of judges in March 2019, and, in collaboration with the Council of European Advocacy, launched a survey on the use of ICT with national courts in December 2017.

In 2015, a survey was conducted by the General Council for the Judiciary among all the judges on many aspects related to the Administration of Justice. Moreover, the General Council for the Judiciary also carries out every year, through the Madrid Bar Association, surveys among Lawyers about the service in certain Courts, within the framework of their inspection service.

In the framework of the implementation of judicial offices and new technologies in 2018, an ambitious plan of visits to judicial bodies and meetings with representatives of all professional groups (judges, prosecutors, lawyers, procuradores, staff, judicial counsellors) has been developed by the Ministry of Justice, in order to know their opinion about computer applications and judicial organization. But this information gathering is not a survey. It is being valued to launch a survey soon.

Surveys to Lawyers are regularly launched regarding the inspection of concrete Courts.

**040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)**

Yes

No

Comments

**041. If yes, please specify certain aspects of this procedure:**

	<b>Authority responsible for dealing with the complaint</b>	<b>Existence of a time limit to deal with the complaint for this authority</b>
<b>Court concerned</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Higher court</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Ministry of Justice</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>High Judicial Council</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Other external bodies (e.g. Ombudsman)	( X ) Yes ( ) No	( X ) Yes ( ) No
--	---------------------	---------------------

Comments

### 041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
<b>Court concerned</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Higher court</b>	2 893 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Ministry of Justice</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>High Judicial Council</b>	12 408 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other external bodies (e.g. Ombudsman)</b>	2 319 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The Unit for Citizen Attention (UAC), within the Council for the Judiciary centralizes and orders, for statistical purposes and for the elaboration of the annual report, the suggestions and complaints received in the ‘services of reception of complaints and attention and information to the citizen’. The specific complaints related to the Council for the Judiciary are 29.

The number indicated in “other external bodies” represents exclusively the complaints before the Ombudsman.

## 3. Organisation of the court system

### 3.1. Courts

#### 3.1.1. Number of courts

### 042. Number of courts considered as legal entities (administrative structures) and geographic locations.

	Number of courts
<b>42.1 First instance courts of general jurisdiction (legal entities)</b>	2 269 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>42.2 First instance specialised courts (legal entities)</b>	1 465 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)</b>	701 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments



**043. Number (legal entities) of first instance specialised courts (or specific judicial order)**

	Number of courts
<b>Total (must be the same as the data given under question 42.2)</b>	1 465 [ ] NA [ ] NAP
<b>Commercial courts (excluded insolvency courts)</b>	70 [ ] NA [ ] NAP
<b>Insolvency courts</b>	[ ] NA [X] NAP
<b>Labour courts</b>	354 [ ] NA [ ] NAP
<b>Family courts</b>	127 [ ] NA [ ] NAP
<b>Rent and tenancies courts</b>	[ ] NA [X] NAP
<b>Enforcement of criminal sanctions courts</b>	17 [ ] NA [ ] NAP
<b>Fight against terrorism, organised crime and corruption</b>	7 [ ] NA [ ] NAP
<b>Internet related disputes</b>	[ ] NA [X] NAP
<b>Administrative courts</b>	241 [ ] NA [ ] NAP
<b>Insurance and / or social welfare courts</b>	[ ] NA [X] NAP
<b>Military courts</b>	[ ] NA [X] NAP
<b>Other specialised 1st instance courts</b>	656 [ ] NA [ ] NAP

Comments - If “other specialised 1st instance courts”, please specify: Between 2016 and 2018, more first instance courts have become specialized in family matters. Courts of violence against women: 106

Foreclosure proceedings Courts: 3

Court of arbitration: 1

Civil capacity courts: 12

Criminal courts: 341

Criminal courts specialized in Violence against women, 32

Juvenile Courts: 82

Prison courts: 51

Civil Registries: 28

Additionally (and they are not accounted) there are 26 military courts that are not part of the Judiciary but they are inspected by it)

**044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

Yes

No

Comments - Please specify: The traditional structure of a Court includes a Judge (or Magistrate), a Judicial Counsellor, and several civil servants (the exact number depends on many circumstances). The New Judicial Office (Nueva Oficina Judicial) has been implemented in many territories and its development continues. The New Judicial Office (NOJ) has, as base, the called 'Procedural Unit of Direct Support' (UPAD), a small office with personnel necessary for the strict aid of the work of the Judge. On the other hand, and for the uniform processing of repetitive tasks, the called Common Procedural Services have been created. The Judicial Counsellor is the Director of these services, and is responsible of processing the phase of the judicial file of a strictly procedural nature.

**045. Number of first instance courts (geographic locations) competent for a case concerning:**

	Number of courts
<b>a debt collection for small claims</b>	578 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>an employment dismissal</b>	90 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>a robbery</b>	606 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>an insolvency case</b>	32 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In Spain there are many one-person Courts (one Judge). Many times, in the same city or town, there may be several buildings containing courts (in different places in the same city). This year's data represents the number of buildings containing courts of each class. In Spain there is a very common kind of Courts in little and medium villages called "Juzgado de Primera Instancia e Instrucción" (Court for first instances civil cases and criminal investigation). There are 419 buildings which host these kind of Courts. These figure 419 is included (repeated) in the Courts for "robbery" and in the Courts for "small claims".

**045-1. Is your definition for small claims the same as the one in the Explanatory note?**

Yes

No

Comments - If not, please give your definition for small claims:

**045-2. Please indicate the value in € of a small claim:**

[ 6 000 ]

Comments

**C. Please indicate the sources for answering questions 42, 43 and 45:**

Sources: Statistics department of the Council for the Judiciary  
Ministry of Justice Civil Procedural Act

## 3.2. Court staff

### 3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts )

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	5 419 [ ] NA [ ] NAP	2 496 [ ] NA [ ] NAP	2 923 [ ] NA [ ] NAP
1. Number of first instance professional judges	3 824 [ ] NA [ ] NAP	1 498 [ ] NA [ ] NAP	2 326 [ ] NA [ ] NAP
2. Number of second instance (court of appeal) professional judges	1 515 [ ] NA [ ] NAP	933 [ ] NA [ ] NAP	582 [ ] NA [ ] NAP
3. Number of Supreme Court professional judges	80 [ ] NA [ ] NAP	65 [ ] NA [ ] NAP	15 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above:

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	114 [ ] NA [ ] NAP	92 [ ] NA [ ] NAP	22 [ ] NA [ ] NAP
1. Number of first instance court presidents	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
2. Number of second instance (court of appeal) court presidents	108 [ ] NA [ ] NAP	86 [ ] NA [ ] NAP	22 [ ] NA [ ] NAP
3. Number of Supreme Court presidents	6 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments More women were appointed.

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	888 [ ] NA [ ] NAP

<b>In full-time equivalent</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
--------------------------------	--

Comments - If necessary, please provide comments to explain the answer provided:

**048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

Yes If yes, please give specifications on the types of cases and an estimate in percentage. 9,4% of the Judgements in 2018

No

NAP

Comments 9,4% of the Judgements in 2018

**049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):**

	Figure
<b>Gross figure</b>	7 694 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In full time equivalent</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:**

	Yes	No	Echevinage
<b>criminal cases (severe)</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>criminal cases (misdemeanour and/or minor)</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>family law cases</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>labour law cases</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>social law cases</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>commercial law cases</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>insolvency cases</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>other civil cases</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NAP

Comments - If “other”, please specify: Civil issues of less than 90 euros.

Enforcement in cases determined by Law, aid for communications of other Courts.  
 In the criminal sphere, they may also intervene in prevention measures or via delegation

**050. Does your judicial system include trial by jury with the participation of citizens?**

- Yes
- No

Comments

**050-1. If yes, for which type of case(s)?**

- Criminal cases
- Other than criminal cases

Comments

**051. Number of citizens who were involved in such juries for the year of reference:**

- [ 2 682 ]
- [ ] NA
- [ ] NAP

Comments

**052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	47 645 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	4 289 [ ] NA [ ] NAP	1 375 [ ] NA [ ] NAP	2 914 [ ] NA [ ] NAP
<b>2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)</b>	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Technical staff</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

<b>5. Other non-judge staff</b>	43 356 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
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Comments - If "other non-judge staff", please specify: 1121 Forensic Doctors

**052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1+2+3)</b>	47 652 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Total non-judge staff working in courts at first instance level</b>	42 866 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b>	4 325 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Total non-judge staff working in courts at Supreme Court level</b>	461 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments These figures include the number of "letrados de Administración de Justicia", which are the CEPEJ equivalent of "Rechtspfleger".

**053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:**

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties: Described in the general comment.

**054. Have the courts outsourced certain services under their responsibilities to external providers?**

- Yes
- No

Comments

**054-1. If yes, please specify which services have been outsourced:**

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):Interpreters

Comments Other: Interpreters

### C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Ministry of Justice, Council for the Judiciary

### 3.3. Public prosecution

#### 3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	2 465 <input type="checkbox"/> NA <input type="checkbox"/> NAP	883 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 582 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of prosecutors at first instance level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Number of prosecutors at Supreme Court level</b>	49 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment for interpreting the data above: The structure of the Prosecution services does not distinguish prosecutors by 'instance level'.

However, it distinguishes three categories: First, Total 33, Males 26, Females 7

Second) Total 1779, Males 696, Females 1083

Third) Total 653, Males 161, Females 492

#### 056. Number of heads of prosecution offices.

Total	Males	Females

<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	85 [ ] NA [ ] NAP	50 [ ] NA [ ] NAP	35 [ ] NA [ ] NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Number of heads of prosecution offices at Supreme Court level</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Please provide any useful comment for interpreting the data above: The structure of the Prosecutor's body is adapted to the territorial division of Spain in Autonomous Regions and Provinces.

Number of Heads of offices of the Autonomous Región: Total 17

(Males 11, Female 6)

Number of Heads of offices of Province: Total 44 (Males 30, Female 14)

Number of Heads of offices of área: Total 26 (Males 11, Females 15)

### 057. Do other persons have similar duties to those of public prosecutors?

Yes

No

Comments - If yes, please specify their title and functions:

#### 057-1. Please specify their number (in full-time equivalent):

[            ]  
[ X ] NA

### 059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

Yes

No

[ ] NAP

Comments

### 059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?

Yes

No

Comments

### 060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).



	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	2 140 [ ] NA	[ X ] NA	[ X ] NA

Comments

## C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Ministry of Justice: Subdirection of Relations with the Administration of Justice and Prosecution, and Subdirection of Personal resources at the Service of the Administration of Justice  
Document "La Justicia dato a dato (Justice data by data)" General Council for the Judiciary.

### 3.4. Gender equality

#### 3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	( X )	( )
prosecutors	( X )	( )
non-judge staff	( X )	( )
lawyers	( )	( X )
notaries	( )	( X )
enforcement agents	( X )	( )

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: The Organic Law for equality of women and men 3/2007 sets that all the tests for access to public employment shall contemplate the study and application of the principle of equality.

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	( X )	( )

prosecutors	( X )	( )
non-judge staff	( )	( X )
lawyers	( )	( X )
notaries	( )	( X )
enforcement agents	( )	( X )

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

### 3.4.2 At national level

**061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:**

	Yes	No
judges	( X )	( )
prosecutors	( X )	( )
non-judge staff	( X )	( )
lawyers	( )	( X )
notaries	( X )	( )
enforcement agents	( X )	( )

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? <http://www.poderjudicial.es/cgpj/es/Temas/Estadistica-Judicial/Estudios-e-Infornes/Estructura-demografica-de-la-Carrera-Judicial/>

<http://www.poderjudicial.es/cgpj/es/Temas/Estadistica-Judicial/Estadistica-por-temas/Estructura-judicial-y-recursos-humanos--en-la-administracion-de-justicia/Planta-judicial-y-plantillas-organicas/Plantilla-organica-y-caracteristicas-de-la-Carrera-Fiscal/>

<http://www.poderjudicial.es/cgpj/es/Temas/Estadistica-Judicial/Estadistica-por-temas/Estructura-judicial-y-recursos-humanos--en-la-administracion-de-justicia/Profesionales-en-la-Administracion-de-Justicia/>

**061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?**

( X ) Yes

( ) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? The Equality Committee of the General Council for the Judiciary and the Institute of the woman (particularly the Observatory for equality of opportunities).

**061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:**

	Yes, please specify	No
the recruitment of judges	( X )	( )
the promotion of judges	( X )	( )
the recruitment of prosecutors	( )	( X )
the promotion of prosecutors	( )	( X )
the recruitment of non-judge staff	( )	( X )
the promotion of non-judge staff	( )	( X )

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments

**061-6-1. Please specify the text which set up this person/institution :**

(title, date, nature of the text) Organic Law for the Judicial Power 6/1985 (article 610), Equality Committee.  
 Royal Decree 1686/2000, October 6, which creates the Observatory of Equal Opportunities between women and men.

[ ] NAP

**061-6-2. Please specify the status of this person/institution:**

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) Within the Council for the Judiciary there is the Equality Committee.  
 Within the Ministry of the Presidency, relations with the Parliament and equality, there is the Institute of the woman and particularly the Observatory.

[ ] NAP

**061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:**

(e.g. block a decision or allow an appeal) In both cases (Equality Committee of the Council for the Judiciary) and Observatory for equality of opportunities their function is mainly for consultation, advice, information and proposals.

### 3.4.3 At court/public prosecution services level

**061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:**

	Yes	No
in courts (judges)	( )	( X )
in public prosecution services (prosecutors)	( )	( X )
for courts' non-judge staff	( )	( X )

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments. Equality Commission in the Prosecutor's Council, Equality Committee (in the General Council for the Judiciary) and Observatory of equal opportunities between women and men) are not specifically aimed to this objectives but they could make proposals on very different aspects.

**061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:**

	Yes	No
Assignment in different positions	( )	( X )
Workload distribution	( )	( X )
Working hours	( X )	( )
Modalities of teleworking and presence in the work space	( X )	( )
Replacement of absent persons	( )	( X )
Organisation of the hearings	( )	( X )
Other	( )	( X )

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments. There is no feminisation of certain functions. However, there are labour norms that allow changes and reduction in working hours in case of maternity (lactation). Certain Autonomous Regions distributed laptops among Judges and Lawyers for the Administration of Justice that allow to work at home if necessary.

**061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country,**

**which:**

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

**061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:**

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

**061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:**

	Yes, please specify	No
<b>judges and court staff are more chosen among males or females according to the type of cases</b>	( )	( X )

the composition of hearings with several judges is always mixed	( )	( X )
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	( X ) In cases of	( )

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments. The Judges (or Magistrates) who access to Courts of Violence against Women, before starting in the post, will have to participate in the specific and obligatory training activities that periodically establish the General Council of the Judicial Power.

### 3.5 Use of information technologies in courts

#### 3.5.1 General policies in Information Technology in judicial systems

##### 062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input type="checkbox"/> defined and coordinated at national level by one institution <input checked="" type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
IT Governance	<input type="checkbox"/> governed on national level by one institution <input checked="" type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments

##### 065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

##### 065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non

Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	( ) Yes ( X ) No	( ) Yes ( X ) Non
Other alternatives (external service provider only – specify in a comment)	( X ) Yes ( ) No	( X ) Yes ( ) Non

Comments - please also describe in case of “other alternatives” External Companies are in charge of some specific applications (example, the application for the Bank Account of the Courts).

The Sub-Directorate for New Technologies of the Justice also uses personnel from outsourced external companies.

**065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?**

( X ) Yes

( ) No

Comments (please specify projects that have experienced national developments) There are electronic mailboxes and a customer service center for sending suggestions.

**065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?**

( X ) Yes

( ) No

**065-4-1. If yes, have you measured the impact on (multiple answers possible):**

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify .....

Comments (please specify examples of the impact)

**3.5.2 Security of courts information system and personal data protection**

**065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?**

( X ) Yes

( ) No

Comments (please specify in particular if national frameworks of information security exist): According Art. 236 nonies of the Organic Law for the Judiciary, the powers that the Law attributes to the Spanish Agency for Data Protection are exercised, with respect to the treatments carried out for jurisdictional purposes, by the General Council of the Judiciary.

A collaboration agreement between was signed between Data Protection Agency and the General Council for the Judiciary in the various tasks that, as control authorities, must carry out and, in particular, on the inspection of judicial bodies in the field of data protection.

**065-6. Is the protection of personal data managed by courts ensured at legislative level?**

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) Security is one of the aspects with the widest regulation in Law 18/2011, regulating the use of information and communication technologies in the Administration of Justice.

On the other hand, the protection of personal data is regulated in articles 236 and following of the Organic Law for the Judiciary that refers to the Organic Law 15/1999, of Protection of Personal Data, with the specialties established for treatments in Justice.

The State Technical Committee of the Electronic Judicial Administration approved the 'Bases of the Interoperability and Security Judicial Scheme' which Law 18/2011, regulating the use of information and communication technologies in the Administration of Justice, makes mandatory.

### 3.5.3 Centralised databases for decision support

#### 062-4. Is there a centralised national database of court decisions (case-law, etc.)?

Yes

Non

Comments

##### 062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
<b>Civil and/or commercial</b>	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Criminal</b>	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Administrative</b>	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - if it exists in other matters please specify

#### 062-6. Is there a computerised national record centralising all criminal convictions?

Yes

No



**062-6-1. If yes, please specify the following information:**

- Linkage with other European records of the same nature
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access General Council for the Judiciary  
<http://www.poderjudicial.es/search/indexAN.jsp>

**3.5.4 Writing assistance tools**

**062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)**

- Yes
- No

Comment – if it exists in other matters please specify

**062-7-1. If yes, please specify the following information:**

	Availability rate
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

**062-8. Are there voice recording tools?**

- Yes
- No

Comments There are audio visual recordings tools for hearings.

**062-8-1. If yes, please specify:**

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
<b>Civil and/or commercial</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA

### 062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

**Availability rate:**

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

### 3.5.5 Technologies used for administration of the courts and case management

#### 063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

#### 063-1-1. If yes, please specify the following information:

	<b>CMS deployment rate</b>	<b>Status of case online</b>	<b>Centralised or interoperable database</b>	<b>Early warning signals (for active case management)</b>	<b>Status of integration/connection of a CMS with a statistical tool</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

### 063-2. Computerised registries managed by courts

	<b>Deployment rate</b>	<b>Data consolidated at national level</b>	<b>Service available online</b>	<b>Statistical module integrated or connected</b>
<b>Land registry</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Business registry</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Comment – if it exists in other matters please specify In Spain the Land Registry and the Commercial Registry do not depend on the Courts. But there are electronic communications to ask information from these Registries and to send them judicial decisions.

### 063-6. Budgetary and financial management systems of courts

	<b>Tool deployment rate</b>	<b>Data consolidated at national level</b>	<b>System communicating with other ministries (financial among others)</b>
<b>Budgetary and financial management of courts</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Justice expenses management</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other (please specify in comments)</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments There is an electronic system to manage the bank account of the Court, and in this system has an application for the management of judicial auctions, this system is responsibility of the Judicial Counsellor.

The Sub-Directorate General of Economic Resources of the Administration of Justice (and similar bodies of the Autonomous Regions) manage other applications for salaries and other payments.

### 063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

#### 063-7-1. If yes, please specify the following information:

<b>Tools deployment rate</b>	<b>Data used for monitoring at national level</b>	<b>Data used for monitoring at court local level</b>	<b>Tool integrated in the CMS</b>
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<b>For judges</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For prosecutors</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For non-judge/non-prosecutor staff</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

### 3.5.6 Technologies used for communication between courts, professionals and/or court users

#### users

**064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)**

Yes

No

Comments

**064-2-1. If yes, please specify the following information:**

	<b>Availability rate</b>	<b>Simultaneous submission of cases in paper form remains mandatory</b>	<b>Specific legislative framework authorising the submission of a case</b>	<b>An integrated/connect ed tool with the CMS</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - if it exist in other matters please specify

**064-3. Is it possible to request legal aid by electronic means?**

Yes

No

Comments

**064-3-1. If yes, please specify the following information:**

	<b>Requesting legal aid electronically</b>
<b>Availability rate</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Formalisation of the request in paper form remains mandatory</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Specific legislative framework regarding requests for legal aid by electronic means</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Granting legal aid is also electronic</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Information available in CMS</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

**064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)**

Yes

No

Comments

**064-4-1. If yes, please specify the following information:**

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
<b>Civil and/or commercial</b>	[ X ]	[ ]	[ ]	[ X ] SMS [ X ] E-mail [ X ] Specific computer application [ ] Other	[ X ]
<b>Criminal</b>	[ X ]	[ ]	[ ]	[ X ] SMS [ X ] E-mail [ X ] Specific computer application [ ] Other	[ ]
<b>Administrative</b>	[ X ]	[ ]	[ ]	[ X ] SMS [ X ] E-mail [ X ] Specific computer application [ ] Other	[ ]

Comments In accordance with article 273 of the Civil Procedure Law, companies, lawyers and officials are required to communicate with justice electronically. This is not the case of natural persons, who can choose whether or not to use electronic means.

**064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

**Communication between court and lawyers representing parties**

( X ) Yes

( ) No

**Communication between court and parties not represented by lawyer**

( X ) Yes

( ) No

Comments

**064-6-1. If yes, please specify the following information:**

Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework

<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments

**064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

	<b>Tool deployment rate</b>	<b>Modalities (if there are different according to the deeds or if other, please specify in a comment)</b>	<b>Specific legal framework</b>
<b>Enforcement agents (as defined in Q169 and following)</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes



<b>Notaries (as defined in Q192 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
<b>Experts (as defined in Q202 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
<b>Judicial police services</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments

**064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)**

Yes

No

Comments – Please describe the system that exists.

**064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)**

Yes

No

Comments

**064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):**

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))**

Yes

No

Comments

**064-11-1. If yes, please specify the following information:**

	<b>Tool deployment rate</b>	<b>Type of recording</b>	<b>Specific legislative framework</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

**064-12. Is electronic evidence admissible?**

<b>Admissibility of electronic evidence</b>	<b>Legislative framework</b>
---	------------------------------

<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
<b>Criminal</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
<b>Administrative</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only

Comments

### 3.6. Performance and evaluation

#### 3.6.1. National policies applied in courts and public prosecution services

**066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?**

Yes

No

Comments - If yes, please specify:

**067. Do you have specialised personnel entrusted with implementation of these national level quality standards?**

	Yes / No
<b>within the courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>within the public prosecution services</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

#### 3.6.2. Performance and quality objectives at court level/public prosecution services

**077. Concerning court activities, have you defined performance and quality indicators?**

Yes

No

Comments

**078. If yes, please select the main performance and quality indicators that have been defined for courts:**

number of incoming cases

length of proceedings (timeframes)

- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments

**077-1. Concerning public prosecution activities, have you defined performance and quality indicators?**

- Yes
- No

Comments

**078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify): .....

Comments

**073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?**

Yes

No

Comments

**073-0. If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?**

Yes

No

Comments

**073-2. If yes, which courses of action are taken?**

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment)

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify): .....

Comments

**073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?**

Yes

No

Comments

**073-4. If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?**

Yes

No

Comments

**073-6. If yes, which courses of action are taken?**

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify): .....

Comments

**079. Who is responsible for evaluating the performance of the courts (multiple options possible) :**

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): .....

Comments

**079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :**

- Public prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):The Prosecutor Inspection within the General Prosecutor Office

Comments "Other": The Prosecutor Inspection within the General Prosecutor Office

**3.6.3. Measuring courts' / public prosecution services activity**

**070. Do you regularly monitor court activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals

- appeal ratio
- clearance rate
- disposition time
- other (please specify): .....

Comments

**070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:**

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify): .....

Comments

**071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:**

- civil law cases
- criminal law cases
- administrative law cases

Comments

**072. Do you monitor waiting time during judicial proceedings?**

	Yes (If yes, please specify)	No
<b>within the courts</b>	( X )	( )
<b>within the public prosecution services</b>	( X )	( )

Comments

**3.6.4. Information regarding courts /public prosecution services activity**



**080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?**

Yes (please indicate the name and the address of this institution):National Commission for Judicial Statistics

No

Comments National Commission for Judicial Statistics

**080-1. Does this institution publish statistics on the functioning of each court:**

Yes, on internet

No, only internally (in an intranet website)

No

Comments

**080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?**

Yes (please indicate the name and the address of this institution):General Prosecutor Office

No

Comments General Prosecutor Office

**080-3. Does this institution publish statistics on the functioning of each public prosecution service?**

Yes, on internet

No, only internally (in an intranet website)

No

Comments

**081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

**081-1. If yes, please specify in which form this report is released:**

Internet

Intranet (internal) website

Paper distribution

Comments

**081-2. If yes, please, indicate the periodicity at which the report is released:**

Annual



Less frequent

More frequent

Comments

**081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?**

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

**081-4. If yes, please specify in which form this report is released:**

Internet

Intranet (internal) website

Paper distribution

Comments

**081-5. If yes, please, indicate the periodicity at which the report is released:**

Annual

Less frequent

More frequent

Comments

### 3.6.5 Courts administration

**082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

Yes

No

Comments - If yes, please specify:

**082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

Yes

No

Comments - If yes, please specify:

### 3.6.6 Performance and evaluation of judges and public prosecutors

**083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?**

Yes

No

Comments

**083-1. Who is responsible for setting the individual targets for each judge?**

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify): .....

Comments

**114. Is there a system of qualitative individual assessment of the judges' work?**

Yes

No

Comments

**114-1. If yes, please specify the frequency of this assessment:**

Annual

Less frequent

More frequent

**083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?**

Yes

No

Comments

**083-3. Who is responsible for setting the individual targets for each public prosecutor**

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

Public prosecutorial Council

Head of the organisational unit or hierarchical superior public prosecutor

Other (please specify): .....

Comments

**120. Is there a system of qualitative individual assessment of the public prosecutors' work?**

Yes

( X ) No

Comments

**120-1. If yes, please specify the frequency of this assessment:**

( ) Annual

( ) Less frequent

( ) More frequent

Comments

**C4. Please indicate the sources for answering the questions in this chapter:**

Sources: Law

## 4.Fair trial

### 4.1.Principles

#### 4.1.1.Principles of fair trial

**084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?**

[            ]

[ X ] NA

[ ] NAP

Comments - Please add methodology for calculation used.

**085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?**

( X ) Yes

( ) No

Comments - Please could you briefly specify:

**085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):**

[            ]

[ X ] NA

Comments

**086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?**

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations):

### **086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?**

Yes

No

NAP

Comments

### **D1. Please indicate the sources for answering questions in this chapter.**

Sources: Civil Procedural Law  
Criminal Procedural Law

## **4.2. Timeframe of proceedings**

### **4.2.1. General information**

#### **087. Are there specific procedures for urgent matters regarding:**

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify:

#### **088. Are there simplified procedures for:**

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify:

#### **088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?**

civil cases

criminal cases

administrative cases

Comments - If yes, please specify:

**089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

Yes

No

Comments - If yes, please specify:

#### 4.2.2. Case flow management – first instance



**091. First instance courts: number of other than criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	1 426 264 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 324 441 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 132 393 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 613 295 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	942 844 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 284 086 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 113 252 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 103 465 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	331 391 <input type="checkbox"/> NA <input type="checkbox"/> NAP	868 023 <input type="checkbox"/> NA <input type="checkbox"/> NAP	847 428 <input type="checkbox"/> NA <input type="checkbox"/> NAP	354 118 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	331 391 <input type="checkbox"/> NA <input type="checkbox"/> NAP	868 023 <input type="checkbox"/> NA <input type="checkbox"/> NAP	847 428 <input type="checkbox"/> NA <input type="checkbox"/> NAP	354 118 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative law cases</b>	152 029 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	172 332 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	171 713 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	155 712 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The Court of Justice of the European Union (CJEU) of December 21, 2016 and other previous Judgments have meant a massive interposition of lawsuits based on that doctrine, for the civil challenge of general conditions included in financing contracts with real estate guarantees in which the borrower is a natural person. Measures, referred to in previous CEPEJ questionnaires, of specialization of certain judicial bodies have been adopted.

Regarding registry cases, Spain Land Registry and Commercial Registry do not depend on Courts. But, if one disagrees with a decision of the Register (Land or Commercial) or of the Directorate General for Registers and Notaries, he/she can appeal the decision against Courts.

**092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:**

. Payment order procedures, requests for undisputed matters, divorces and family issues with mutual consent

**093. Please indicate the case categories included in the category "other cases":**

. NAP

**094. First instance courts: number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2+3)</b>	350 114 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	722 035 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	743 896 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	347 204 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	255 145 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	287 853 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	305 701 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	251 587 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2. Misdemeanour and / or minor criminal cases</b>	94 969 [ ] NA [ ] NAP	434 182 [ ] NA [ ] NAP	438 195 [ ] NA [ ] NAP	95 617 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify:

#### 4.2.3. Case flow management – second instance



#### 097. Second instance courts (appeal): Number of "other than criminal law" cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	112 064 [ ] NA [ ] NAP	206 672 [ ] NA [ ] NAP	180 327 [ ] NA [ ] NAP	139 340 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	90 748 [ ] NA [ ] NAP	180 721 [ ] NA [ ] NAP	156 399 [ ] NA [ ] NAP	116 096 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>2.2.3. Other registry cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative law cases</b>	21 316 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25 951 <input type="checkbox"/> NA <input type="checkbox"/> NAP	23 928 <input type="checkbox"/> NA <input type="checkbox"/> NAP	23 244 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other cases" please specify The Court of Justice of the European Union (CJEU) of December 21, 2016 and other previous Judgments have meant a massive interposition of lawsuits based on that doctrine, for the civil challenge of general conditions included in financing contracts with real estate guarantees whose Borrower is a natural person. Measures, referred to in previous assessments, of spatialization of certain judicial bodies have been adopted. In 2018, the appeals to the judgments in matters of individual suitcases against general conditions included in financing contracts with real estate guarantees whose borrower is a natural person have reached the Provincial Courts (second Instance). The small (probably insignificant) number of Registry cases that arrive to the Second Instance is not distinguished of the Litigious cases. This is why the total number of cases can be provided

#### 098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of criminal law cases (1+2+3)</b>	8 834 <input type="checkbox"/> NA <input type="checkbox"/> NAP	59 018 <input type="checkbox"/> NA <input type="checkbox"/> NAP	58 916 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 850 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	5 986 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 885 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 839 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 057 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	2 848 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20 133 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20 077 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 793 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Other cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify.

#### 4.2.4. Case flow management – Supreme Court

#### 099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court



<b>Total of other than criminal law cases (1+2+3+4)</b>	27 712 [ ] NA [ ] NAP	22 487 [ ] NA [ ] NAP	24 417 [ ] NA [ ] NAP	26 113 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	14 809 [ ] NA [ ] NAP	12 532 [ ] NA [ ] NAP	10 257 [ ] NA [ ] NAP	17 084 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	12 903 [ ] NA [ ] NAP	9 955 [ ] NA [ ] NAP	14 160 [ ] NA [ ] NAP	9 029 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If "Other cases", please specify The Administrative Procedural Law allows the inadmissibility of the cassation appeal by resolution of a lower level than Civil Procedural Law. This explains partially the different clearance rate between this two rooms. In relation to the good resolution rate in Administrative is due in part to this cause: In previous years, a Judgement of the Court of Justice of the European Union declared Spanish law contrary to Community law authorizing the tax on retail sales of certain hydrocarbons. This fact meant the massive presentation of claims for the patrimonial responsibility of the State for the undue payment of the so-called "sanitary cent". Once the Supreme Court established jurisprudence, many of these cases were resolved more quickly.

**099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest**

**inadmissibility?**

( X ) Yes

( ) No

Comments

**099-1-1. If yes, please indicate the number of:**

cases received by the Highest court? [ 0 ]

cases closed by this procedure? [ 0 ]

Comments No numeric data for 99-1-1

**100. Highest instance courts (Supreme Court): Number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
<b>Total of criminal law cases (1+2+3)</b>	2 165 [ ] NA [ ] NAP	5 562 [ ] NA [ ] NAP	4 668 [ ] NA [ ] NAP	3 059 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify

**4.2.5. Case flow management and timeframes – specific cases**



**101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
<b>Litigious divorce cases</b>	36 185 [ ] NA [ ] NAP	44 433 [ ] NA [ ] NAP	43 893 [ ] NA [ ] NAP	35 116 [ ] NA [ ] NAP
<b>Employment dismissal cases</b>	51 797 [ ] NA [ ] NAP	107 294 [ ] NA [ ] NAP	101 243 [ ] NA [ ] NAP	54 274 [ ] NA [ ] NAP

<b>Insolvency</b>	30 239 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 115 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 728 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 123 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	1 645 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 030 <input type="checkbox"/> NA <input type="checkbox"/> NAP	962 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 876 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Cases relating to the right of entry and stay for aliens</b>	12 739 <input type="checkbox"/> NA <input type="checkbox"/> NAP	33 252 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 924 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17 874 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Variations in respect of cases relating to asylum seekers and cases relating to the right of entry and stay for aliens are due to the migration crisis

**101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:**

. The inadmissibility of the request for asylum by the Ministry of the Interior can be appealed before the Courts of Contentious Administrative by the abbreviated procedure (article 78 of Law on Contentious Administrative Jurisdiction).  
In addition, if the asylum seeker requests the suspension of the decisión (of the Ministry), the urgency procedure will be applicable. Then, the judge must decide (on the suspension) in two days without hearing the other party, who will be heard in the next three days (Article 29 of Law regulating Right of Asylum).

**102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.**

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
<b>Civil and commercial litigious cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	299 <input type="checkbox"/> NA <input type="checkbox"/> NAP	206 <input type="checkbox"/> NA <input type="checkbox"/> NAP	531 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Litigious divorce case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	294 <input type="checkbox"/> NA <input type="checkbox"/> NAP	404 <input type="checkbox"/> NA <input type="checkbox"/> NAP	370 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal case</b>	27 <input type="checkbox"/> NA <input type="checkbox"/> NAP	185 <input type="checkbox"/> NA <input type="checkbox"/> NAP	306 <input type="checkbox"/> NA <input type="checkbox"/> NAP	818 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Insolvency</b>	36 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 593 <input type="checkbox"/> NA <input type="checkbox"/> NAP	231 <input type="checkbox"/> NA <input type="checkbox"/> NAP	839 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	136 <input type="checkbox"/> NA <input type="checkbox"/> NAP	387 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	884 <input type="checkbox"/> NA <input type="checkbox"/> NAP	153 <input type="checkbox"/> NA <input type="checkbox"/> NAP	291 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):**

. - Litigious divorce cases: Submission of the lawsuit; notification to the defendant who has 20 days as time limit to submit the reply; oral hearing in which the evidences proposed by the parties and admitted by the judge will be performed, but the Court may order ex officio the examination of any evidence deemed relevant; oral conclusions. The judge will deliver the judgment within the time limit determined by the law. The intervention of the Public Prosecution Service shall be mandatory when either of the parties in the procedure is under age, incapacitated or in a situation of legal absence.

- Non litigious cases: Admitted the application for separation or divorce, the Judicial Counsellor will summon the spouses within the following three days, to ratify separately their petition. If one of them do not ratify the document, then the proceeding concludes (as non litigious). If there are minor or disabled children, the Court will request a report from the Prosecutor

**104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.**

. Estimation made by Judicial Statistic Department of the General Council for the Judiciary

**4.2.6. Case flow management – public prosecution**

**105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure

to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers (please specify): .....

Comments

**106. Does the public prosecutor also have a role in:**

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify:

**107. Cases processed by the public prosecutor - Total number of first instance criminal cases:**

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
<b>Total number of first instance cases processed by the public prosecutor</b>	84 964 <input type="checkbox"/> NA <input type="checkbox"/> NAP	55 226 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	13 823 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Certain number of cases received are re-sent to other prosecutor offices.

**107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?**

	Number of guilty plea procedures
<b>Total</b>	176 809 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Before the court case</b>	93 939 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>During the court case</b>	82 870 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**108. Total number of cases which were discontinued by the public prosecutor.**

	Number of cases
<b>Total number of cases which were discontinued by the public prosecutor (1+2+3+4)</b>	55 226 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Discontinued by the public prosecutor because the offender could not be identified</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Discontinued by the public prosecutor for reasons of opportunity	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**109. Do the figures include traffic offence cases?**

Yes

No

Comments

**D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.**

Sources: Estatute of Public Prosecution  
Annual Report of Public Prosecution Office  
Compendium of crimes 2018  
Unit Support of the Public Prosecutions Office

**5. Career of judges and public prosecutors**

**5.1. Recruitment and promotion**

**5.1.1. Recruitment and promotion of judges**



**110. How are judges recruited?**

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify): As a minority system, one from each four posts for Magistrate will be covered by jurists with recognised experience

Comments Other: As a minority system, one from each four posts for Magistrate will be covered by jurists with recognised experience

**111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:**

an authority made up of judges only

an authority made up of non-judges only

an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

### **112. Is the same authority (Q111) competent for the promotion of judges?**

Yes

No

Comments

### **113. What is the procedure for the promotion of judges? (multiple answers possible)**

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

### **113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)**

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):  
Other = Selective and specialization tests.

Proposal of the General Council for the Judiciary in case of Presidents of High Courts of Justice of the Autonomous Regions.

## **5.1.2. Status, recruitment and promotion of prosecutors**

### **115. What is the status of public prosecution services?**

statutory independent

under the authority of the Minister of Justice or another central authority

other (please specify): .....

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

### **115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?**

Yes

No

Comments - If yes, please specify:

### **116. How are public prosecutors recruited?**

- [ X ] mainly through a competitive exam (open competition)
- [ ] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- [ ] a combination of both (competitive exam and working experience)
- [ ] other (please specify): .....

Comments

**117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:**

- [ ] an authority composed of public prosecutors only
- [ ] an authority composed of non-public prosecutors only
- [ X ] an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

**118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?**

- ( ) Yes
- ( X ) No, please specify which authority is competent for promoting public prosecutors .....

Comments

**119. What is the procedure for the promotion of prosecutors? (multiple answers possible)**

- [ ] Competitive test / exam
- [ X ] Other procedure (interview or other)
- [ ] No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

**119-2. Please indicate the criteria used for the promotion of a prosecutor:**

- [ X ] Years of experience
- [ ] Professional skills (and/or qualitative performance)
- [ ] Performance (quantitative)
- [ ] Assessment results
- [ ] Subjective criteria (e.g. integrity, reputation)
- [ X ] Other
- [ ] No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

**5.1.3.Mandate and retirement of judges and prosecutors**



**121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- ( X ) Yes, please indicate the compulsory retirement age:72
- ( ) No



Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**121-1. Can a judge be transferred to another court without his/her consent:**

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards): .....

No

Comments

**122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?**

Yes, duration of the probation period (in years):2

No

Comments

**123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes, please indicate the compulsory retirement age:72

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**124. Is there a probation period for public prosecutors? If yes, how long is this period?**

Yes, duration of the probation period (in years):8 months

No

Comments

**125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?**

[            ]

NA

NAP

Comments

**125-1. Is it renewable?**

Yes

No

NAP

Comments

**126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?**

[ ]

[ ] NA

[X] NAP

Comments

### 126-1. Is it renewable?

( ) Yes

( ) No

[X] NAP

Comments

### E1. Please indicate the sources for answering the questions in this chapter:

Sources: - Organic Law for the Judiciary  
- E statute of the Public Prosecution

## 5.2. Training

### 5.2.1. Training of judges

#### 127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in the court)</b>	(X) Yes ( ) No	( ) Yes (X) No	( ) Yes (X) No
<b>General in-service training</b>	( ) Yes (X) No	(X) Yes ( ) No	( ) Yes (X) No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	(X) Yes ( ) No	(X) Yes ( ) No	( ) Yes (X) No
<b>In-service training for management functions of the court (e.g. court president)</b>	(X) Yes ( ) No	(X) Yes ( ) No	( ) Yes (X) No
<b>In-service training for the use of computer facilities in courts</b>	( ) Yes (X) No	(X) Yes ( ) No	( ) Yes (X) No
<b>In-service training on ethics</b>	(X) Yes ( ) No	(X) Yes ( ) No	( ) Yes (X) No

Comments

#### 128. Frequency of the in-service training of judges:

Frequency of the judges training

<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in courts</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on ethics</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:

## 5.2.2. Training of prosecutors



### 129. Types of different trainings offered to public prosecutors:

	<b>Compulsory</b>	<b>Optional</b>	<b>No training proposed</b>
<b>Initial training</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in office</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on ethics</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments

### 130. Frequency of the in-service training of public prosecutors :

<b>Frequency of the in-service training</b>
---

<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in office</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on ethics</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

### 131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
<b>One institution for judges</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>One institution for prosecutors</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>One single institution for both judges and prosecutors</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

### 131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
<b>One institution for judges</b>	15 230 340 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>One institution for prosecutors</b>	24 386 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>One single institution for both judges and prosecutors</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The variation in the budget for the training of prosecutors from one year to the next depends on the number of prosecutors of the new promotions participating in a selective course.

The budget of institution for judges corresponds to the program 1110 'Judges Selection and Training'.

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. NAP

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

	Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
<b>Total</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Only for judges</b>	10 822 <input type="checkbox"/> NA <input type="checkbox"/> NAP	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Only for prosecutors</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Only for other non-judge staff</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Only for other non-prosecutor staff</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Other common training</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments:

**E2. Please indicate the sources for answering the questions in this chapter:**

Sources: Statistics, General Council for the Judiciary  
Centre for Legal Studies (Ministry of Justice)

### 5.3. Practice of the profession

#### 5.3.1. Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
---------------------------	-------------------------	--	--------------------------------------

<b>First instance professional judge at the beginning of his/her career</b>	48 997 <input type="checkbox"/> NA <input type="checkbox"/> NAP	33 326 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)</b>	124 968 <input type="checkbox"/> NA <input type="checkbox"/> NAP	73 772 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Public prosecutor at the beginning of his/her career</b>	48 997 <input type="checkbox"/> NA <input type="checkbox"/> NAP	33 326 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).</b>	124 968 <input type="checkbox"/> NA <input type="checkbox"/> NAP	73 772 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Other two concepts have to be taken into account:

- Remuneration for objectives. (For 2018, Judges 6.474.050,91, Prosecutors 3.220.851,03)
- Professional substitutions. (For 2018, Judges 3.220.851,03; Prosecutors 646.740,23)

### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
<b>Reduced taxation</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Special pension</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Housing</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other financial benefit</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

### 134. If “other financial benefit”, please specify:

NAP

### 135. Can judges combine their work with any of the following other functions/activities?

<b>With remuneration</b>	<b>Without remuneration</b>
--------------------------	-----------------------------

<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Mediator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

**137. Can public prosecutors combine their work with any of the following other functions/activities?**

	<b>With remuneration</b>	<b>Without remuneration</b>
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Mediator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify:

**139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?**

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts:

### **5.3.2 Body/institution of ethics**

**138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)**

Yes

No

Comments

**138-1. If yes, how is this institution / body formed**

only by judges

by judges and other legal professionals

other, please specify: .....

Comments

**138-2. Are the opinions of this institution / body publicly available?**

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

**138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)**

Yes

No

Comments

**138-4. If yes, how is this institution / body formed**

only by prosecutors

by prosecutors and other legal professionals

other, please specify: .....

Comments

**138-5. Are the opinions of this institution / body publicly available?**

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.



## 5.4. Disciplinary procedures

### 5.4.1. Authorities responsible for disciplinary procedures and sanctions

#### 140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): .....
- This is not possible

Comments

#### 141. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): See general comment
- Other (please specify): .....
- This is not possible

Comments

#### 142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman

- Parliament
- Executive power (please specify): .....
- Other (please specify): .....

Comments

**143. Which authority has disciplinary power over public prosecutors? (multiple options possible):**

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):See comment
- Other (please specify): .....

Comments

**5.4.2.Number of disciplinary procedures and sanctions**

**144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	23 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	23 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify: The number total in case of Prosecutors expresses the number of information proceedings opened.

**145. Number of sanctions pronounced during the reference year against judges and public prosecutors:**

	Judges	Prosecutors
<b>Total number (total 1 to 10)</b>	14 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>1. Reprimand</b>	2 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. Suspension</b>	6 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>4. Fine</b>	6 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>5. Temporary reduction of salary</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>6. Position downgrade</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>7. Transfer to another geographical (court) location</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>8. Resignation</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>9. Other</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>10. Dismissal</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons.

### **E3. Please indicate the sources for answering questions 144 and 145:**

Sources: General Council for the Judiciary  
and Annual Report of the Prosecution Service

## **6.Lawyers**

### **6.1.Profession of lawyer**

#### **6.1.1.Status of the profession of lawyers**



**146. Total number of lawyers practising in your country:**

	Total	Male	Female
Number of lawyers	143 205 <input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA

Comments

**147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

Yes ( )

No ( X )

Comments

**148. Number of legal advisors who cannot represent their clients in court:**

[ ]

[ ] NA

[ X ] NAP

Comments

**149. Do lawyers have a monopoly on legal representation in (multiple options are possible):**

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	[ ]	[ ]	[ ]
Dismissal cases	[ ]	[ ]	[ ]
Criminal cases – Defendant	[ ]	[ ]	[ ]
Criminal cases – Victim	[ ]	[ ]	[ ]
Administrative cases	[ ]	[ ]	[ ]

[ X ] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly:

**149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:**

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
Family member	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

<b>Self-representation</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Trade union</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s):

**149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?**

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify): .....

Comments

**149-2. What are the statuses for exercising the profession of lawyer?**

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

**150. Is the lawyer profession organised through:**

- a national bar association
- a regional bar association
- a local bar association

Comments

**151. Is there a specific initial training and/or exam to enter the profession of lawyer?**

- Yes
- No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

**152. Is there a mandatory general in-service professional training system for lawyers?**

- Yes
- No

Comments

**153. Is the specialisation in some legal fields linked to specific training, levels of qualification,**

**specific diploma or specific authorisations?**

Yes

No

Comments - If yes, please specify:

**F1. Please indicate the sources for answering questions 146 and 148:**

Sources: Information published in official websites, as Consejo General de la Abogacía Española (General Council of Spanish Lawyers)

**6.1.2. Practicing the profession**

**154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?**

Yes

No

Comments

**155. Are lawyers' fees freely negotiated?**

Yes

No

Comments

**156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments

**6.1.3. Quality standards and disciplinary procedures**

**157. Have quality standards been determined for lawyers?**

Yes

No

Comments - If yes, what are the quality criteria used?

**158. If yes, who is responsible for formulating these quality standards:**

the bar association

the Parliament

other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

the performance of lawyers

the amount of fees

Comments - Please specify:

**160. Which authority is responsible for disciplinary procedures?**

a judge

Ministry of Justice

a professional authority

other (please specify): .....

Comments

**161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

**162. Sanctions pronounced against lawyers.**

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2. Suspension</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Fine</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

## 7. Court related mediation and other alternative Dispute Resolution

### 7.1 Court related mediation

#### 7.1.1 Details on court related mediation

#### 163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

#### 163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

#### 163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

#### 164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
<b>Civil and commercial cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP



<b>Family cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Administrative cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Labour cases including employment dismissals</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Criminal cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Consumer cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP

Comments

**165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?**

Yes

No

[ ] NAP

Comments - If yes, please specify (only one or both options)::

**166. Number of accredited or registered mediators for court-related mediation:**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Number of mediators</b>	6 939 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments The figure indicated is the sum of [Mediators + Insolvency mediators + Institutions of Mediation + Legal Persons Insolvency mediators] registered in the Registry of Mediation of the Ministry of Justice.

The registry is not compulsory and there are other Registries in Autonomous Regions. Therefore, the figure is not a complete and perfect national data.

**167. Number of court-related mediations:**

	<b>Number of cases for which the parties agreed to start mediation</b>	<b>Number of finished court-related mediations</b>	<b>Number of cases in which there is a settlement agreement</b>
<b>Total ( 1 + 2 + 3 + 4 + 5 + 6)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	1 289 [ ] NA [ ] NAP	879 [ ] NA [ ] NAP	148 [ ] NA [ ] NAP
<b>2. Family cases</b>	4 937 [ ] NA [ ] NAP	3 280 [ ] NA [ ] NAP	537 [ ] NA [ ] NAP

<b>3. Administrative cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Labour cases including employment dismissal cases</b>	2 406 [ ] NA [ ] NAP	3 278 [ ] NA [ ] NAP	1 236 [ ] NA [ ] NAP
<b>5. Criminal cases</b>	2 935 [ ] NA [ ] NAP	1 986 [ ] NA [ ] NAP	985 [ ] NA [ ] NAP
<b>6. Consumer cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please indicate the source:

**168. Do the following alternative dispute resolution (ADR) methods exist in your country?**

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify): .....

Comments

**G1. Please indicate the source for answering question 166:**

Source: Registry of Mediators and Mediation Institutions  
Sub-Directorate General for Notaries and Registries

**8.Enforcement of court decisions**

**8.1.Execution of decisions in civil matters**

**8.1.1.Functioning**

**169. Do you have enforcement agents in your judicial system?**

- Yes
- No

Comments

**170. Number of enforcement agents**

	Total	Male	Female
Number of enforcement agents	[ X ] NA	[ X ] NA	[ X ] NA

Comments

**171. Are enforcement agents (multiple options are possible):**

- judges
- bailiffs practising as private professionals under the authority (control) of public authorities
- bailiffs working in a public institution
- other

Comments - Please specify their status and powers: Judicial Counselor, Civil Servants of the Judicial offices, 'Procuradores'

**171-1. Do enforcement agents have the monopoly in exercising their profession?**

- Yes
- No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

**171-2. Can the enforcement agent carry out the following civil enforcement proceedings:**

	Option
<b>Seizure of movable tangible properties</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of immovable properties</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of remunerations</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of motorised vehicles</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Eviction measures</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Enforced sale by public tender of seized properties</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP

Other

- Yes with monopoly  
 Yes without monopoly  
 No  
 NAP

Comments

**171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?**

- Service of judicial and extrajudicial documents  
 Debt recovery  
 Voluntary sale of moveable or immoveable property at public auction  
 Seizure of goods  
 Recording and reporting of evidence  
 Court hearings service  
 Provision of legal advice  
 Bankruptcy procedures  
 Performing tasks assigned by judges  
 Representing parties in courts  
 Drawing up private deeds and documents  
 Building manager  
 Other

Comments

**172. Is there a specific initial training or exam to become an enforcement agent?**

- Yes  
 No

Comments

**172-1. Is there a system of mandatory general continuous training for enforcement agents?**

- Yes  
 No

Comments

**173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):**

- a national body  
 a regional body  
 a local body

NAP

Comments

**174. Are enforcement fees easily established and transparent for court users?**

Yes

No

Comments

**175. Are enforcement fees freely negotiated?**

Yes

No

Comments The taxes to initiate the proceeding are legally foreseen.

**176. Do laws provide any rules on enforcement fees (including those freely negotiated)?**

Yes

No

Comments

**H0. Please indicate the sources for answering question 170**

Source: Civil Enforcement Act

**8.1.2. Efficiency of enforcement services**



**177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

Yes

No

Comments

**178. Which authority is responsible for supervising and monitoring enforcement agents?**

professional body

judge

Ministry of Justice

public prosecutor

other (please specify): General Council for the Judiciary

Comments

**179. Have quality standards been determined for enforcement agents?**

Yes

No

Comments - If yes, what are the quality criteria used?

**180. If yes, who is responsible for establishing these quality standards?**

- professional body
- judge
- Ministry of Justice
- other (please specify): .....

Comments

**181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?**

- Yes
- No

Comments - If yes, please specify:

**182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

- Yes
- No

Comments - If yes, please specify:

**183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other (please specify): Difficulty and/or impossibility to find assets of the debtor

Comments

**184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular regarding decisions against public authorities?**

- Yes
- No

Comments - If yes, please specify:

**185. Is there a system measuring the length of enforcement procedures:**

	Existence of the system
for civil cases	( X ) Yes ( ) No
for administrative cases	( X ) Yes ( ) No

Comments

**186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):**

- ( X ) between 1 and 5 days
- ( ) between 6 and 10 days
- ( ) between 11 and 30 days
- ( ) more (please specify): .....
- [ ] NA

Comments If the party is represented by a Procurador or obligated to have electronic communications, the notification is very fast. In other cases, the time depends on different circumstances (whether or not the person is in his/her house, for example) and may be more than five days, or even more than ten days.

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	[ X ] NA [ ] NAP
1. For breach of professional ethics	[ X ] NA [ ] NAP
2. For professional inadequacy	[ X ] NA [ ] NAP
3. For criminal offence	[ X ] NA [ ] NAP
4. Other	[ X ] NA [ ] NAP

Comments - If "other", please specify:

**188. Number of sanctions pronounced against enforcement agents:**

Number of sanctions pronounced
--------------------------------

<b>Total number of sanctions (1+2+3+4+5)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Fine</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Other</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

**H1. Please indicate the sources for answering questions 186, 187 and 188:**

Source: Civil Procedural Law

**8.2.Execution of decisions in criminal matters**

**8.2.1.Functioning of execution in criminal matters**



**189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify): .....

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

**190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

- Yes
- No

Comments

**191. If yes, what is the recovery rate?**

- 80-100%



50-79%

less than 50%

Comments - Please indicate the source for answering this question:

## 9. Notaries

### 9.1. Profession of notary

#### 9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Total	Male	Female
<b>TOTAL (1+2+3+4)</b>	2 756 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 892 <input type="checkbox"/> NA <input type="checkbox"/> NAP	864 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Private professionals (without control from public authorities)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Professionals appointed by the State</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Public officials</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Other</b>	2 756 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 892 <input type="checkbox"/> NA <input type="checkbox"/> NAP	864 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify the status:

#### 192-1. What are the access conditions to the profession of notary (multiple options possible):

diploma

professional experience/professional training

exam

appointment procedure by the State

other (please specify): .....

Comments

#### 192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

yes, please indicate the age of retirement: .....

no, please specify the duration of the appointment: .....

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**194. What kind of activities do notaries perform (multiple options possible):**

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify): Collect and report important tax data

Comments

**194-1. Do notaries have the exclusive rights when exercising their profession:**

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify): .....

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with: In the fields indicated they have the monopoly when the issue is not judicialized. Similar tasks within the Court and for judicial case are carried out by Judicial Counselors.

**194-2. In which areas of law do notaries perform their activities (multiple options possible)?**

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Other

Comments

**194-3. Do notaries use specialised digital systems in their activity?**

- In establishing authentic instruments
- In recording authentic instruments (archives)
- Other activity (please specify): .....

Comments

**195. Is there an authority entrusted with supervising and monitoring the notaries' work?**

- Yes
- No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?**

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify): .....

Comments

**196-1. Is there a system of general continuous training for all notaries?**

- Yes
- No

Comments

**11. Please indicate the sources for answering question 192:**

Sources: Document published by the General Council for the Judiciary (Section for Statistics), called "Justice data by data" (La Justicia dato a dato)

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**10. Court interpreters**

**10.1. Details on profession of court interpreter**

**10.1.1. Status of court interpreters**

**197. Is the title of court interpreters protected?**

- Yes
- No

Comments

**198. Is the function of court interpreters regulated by legal norms?**

- Yes
- No

Comments

**199. Number of accredited or registered court interpreters:**

- [            ]
- NA



Comments

**200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

( X ) Yes

( ) No

Comments - If yes, please specify (e.g. having passed a specific exam): Decree-Law 8/2014 of Autonomous Región of Catalonia, for example. Or Article 124 of Criminal Procedural Law.

**201. Are the courts responsible for selecting court interpreters?**

[ ] Yes, for recruitment and/or appointment for a specific term of office

[ ] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[ X ] No, please specify which authority selects court interpreters .....

Comments

**J1. Please indicate the sources for answering question 199**

Sources: NA

**11. Judicial experts**

**11.1. Profession of judicial expert**

**11.1.1. Status of judicial experts**



**202. In your system, what types of judicial experts can be requested to participate in judicial procedures (multiple choices possible):**

[ ] experts who are requested by the parties to bring their expertise to support their argumentation,

[ X ] experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,

[ X ] "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

[ X ] Other (please specify): .....

Comments

**202-1. Are there lists or databases of registered judicial experts?**

( X ) Yes

( ) No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?):

**202-2. Who is responsible for registering judicial experts?**

- Ministry of justice
- Courts
- Independent body (association of judicial experts)
- Other

Comments

**202-3. Is the registration of judicial experts limited in time?**

- Yes, for how long One year
- No

Comments

**203. Is the title of judicial experts protected?**

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

**203-1. Does the judicial expert have an obligation of training?**

	Obligation of training
<b>Initial training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Continuous training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**203-2. If yes, does this training concern:**

- judicial proceedings
- the profession of expert
- other

Comments

**204. Is the function of judicial experts regulated by legal norms?**

- Yes
- No

Comments

**204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?**

- Yes
- No

Comments

**205. Number of accredited or registered judicial experts:**

	Total	Male	Female
Number of experts	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

**205-1. Who sets the expert remuneration?**

- The definitive remuneration is set by the expert himself, in accordance with the rules of his profession.  
The initial provision of funds is approved by the Judicial Counselor.  
206.

**206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

( X ) Yes

( ) No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

**206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties**

	Number of cases
<b>Total (1+2+3+4)</b>	[ X ] NA [ ] NAP
<b>1.Civil and commercial litigious cases</b>	[ X ] NA [ ] NAP
<b>2.Administrative cases</b>	[ X ] NA [ ] NAP
<b>3.Criminal cases</b>	[ X ] NA [ ] NAP
<b>4.Other cases</b>	[ X ] NA [ ] NAP

Comments

**207. Are the courts responsible for selecting judicial experts?**

[ X ] Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts .....

Comments

**207-1. Does the judge control the progress of the expertise?**

Yes

No

Comments

**K1. Please indicate the sources for answering question 205**

Sources: Civil Procedural Act

**12.Reforms in judiciary**

**12.1.Foreseen reforms**

**12.1.1.Reforms**

**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:**

1. (Comprehensive) reform plans The general concerns of the Ministry of Justice are as follows:

- IT improvements. Interoperability between different systems.
- Electronic judicial file.
- Change management.
- Quality Management for judicial offices.
- Implementation of the (new) judicial office.
- Improvement of the organization of the prosecution.
- Good functioning of the Office of Asset Recovery and Management.

2. Budget No relevant news.

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts - ,

management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) - In Spain two models of judicial body coexist: The traditional Court and the Judicial Office. The Judicial Office distinguishes: Support Units that directly assist the Judge, and Common Services that provide support to different judicial bodies. Common services may be General Common Service, Common Procedure Management Service and Common Enforcement Service. In recent times, 36 judicial offices (Model 1) have been established in the territory of the Ministry of Justice.

- Prosecution Office: The State Attorney General's Office and the Ministry of Justice developed a national reference model for a new Prosecution Office in order to make work management more efficient. The model is adaptable to the different types of offices, strengthens the area of support for the Office of the Prosecutor, and defines responsibilities for office, and for record control, statistics and quality. It has been implemented in the part of the territory that is under the competence of the Ministry (5 Autonomous regions and 2 Autonomous cities).

3.1. Access to justice and legal aid In project the reform of Royal Decree 996/2003 on free legal aid. It aims to improve the payment system, update to the reforms of the Law of Free Legal Aid, incorporate the obligation of lawyers and Procuradores to submit, electronically, the documentation of the legal aid files, and promote a greater coordination and unification of criteria in the provision of legal assistance.

4. High Judicial Council Instruction 1/2018, concerning the obligation for judges and magistrates of the use of computer means establishes the minimum technical requirements to make the use of electronic programs mandatory for Judges. Therefore, the approval of the applications and programs correspond to the competent Administrations, but their use may not be imposed as obligatory on judges if the technical requirements are not met

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. Order 1415/2018, of December 28, which publishes the Agreement between the General Council of the Judiciary and the Ministry of Justice for the determination of the system for measuring the workload of judicial bodies. (Effects on 1 January 2019).

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities Civil: Royal Decree-Law 7/2019, of March 1, on urgent measures regarding housing and rent.

Among the measures it brings, we must highlight:

- The extension of the term of the rental contract.
- The obligation of the Court to notify social services of an eviction when it is a situation of social or economic vulnerability.

7. Enforcement of court decisions Improved electronic tools for auctions and bank account.



Deployed new judicial offices in many territories.

8. Mediation and other ADR Order JUS / 57/2019, of January 22, which created the Forum for the mediation.  
In Project Preliminary Draft Law on Mediation Promotion.

9. Fight against crime - Organic Law 1/2019, of February 20, amending the Criminal Code, to transpose directives of the European Union in the fields of finance and terrorism, and address international issues.  
- Organic Law 2/2019, of March 1, on the modification of the Criminal Code, in matters of imprudence in the driving of motor vehicles or mopeds and sanction of the abandonment of the accident site.

9.1. Prison system Depends on Home Affairs Ministry.

9.2 Child friendly justice Some Courts buildings have incorporated in 2018 and 2019 a special space enabled to declare the minors who have been summoned to trial. They have been called "friendly rooms".

9.3. Violence against partners In September 2017, the State Agreement on Gender Violence was approved. This is a great agreement which included the political parties and the Administrations, Institutions and Organizations involved. It is a very ambitious plan, structured in 10 multidisciplinary lines of action, that includes awareness and prevention measures, improvement of response and institutional coordination, intensification of assistance and protection for women and their minor children, improvement in the training, visualization and attention of other forms of violence against women , paying special attention to sexual violence, trafficking in women for the purpose of sexual exploitation, female genital mutilation and forced marriages. The measures affect many sectors, and of course, many of them in the Justice sector.

10. New information and communication technologies The complete implementation of the electronic file is one of the most ambitious objectives. Since in Spain different regional Administrations have competence in Justice, and there are different case management systems, Interoperability is now the priority. In addition, the technological modernization of the Ministry of Justice system is a very important objective. The Technical Committee of the Electronic Judicial Administration is the coordinating body of the Administrations involved. Important efforts are being made in this regard.

11. Other No relevant news.