



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: SPAIN
.....

Contact Name: ...GENERAL DIRECTORATE OF INTERNATIONAL LEGAL COOPERATION

I. General information

1. Number of inhabitants

Number: 41.837 894
.....
Source: National Statistical Institute
Official population figures from the Municipal Population Register
.....
Year of reference:
1 january 2002

2. Total annual State/regional public budget

Budget: 14 4 10 4 17 000 000 €
.....
Source: National Statistical Institute
.....
Year of reference: 2002

3. Average gross annual salary

Salary: 17.104,44 €
.....
Source : National Statistical Institute
Annual Labour Cost Survey
.....
Year of reference: 2002

II. Access to Justice and to all courts

II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: 95.864.422 Year : 2003

Source : Data on Justice – CGPJ 2003

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: ...data not available... Year :

Source :

- annual public budget spent on legal aid in other court cases

Annual budget: data not available Year :

Source :

6. Total number of legal aid cases (in a year)

Number of cases: 149.956 Year : 2002

Source :MINISTRY OF JUSTICE.....

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: 78.738 Year : 2002

Source :MINISTRY OF JUSTICE.....

- the total number of legal aid cases in other court cases (in a year)

Number of cases: 71.218 Year : 2002

Source :MINISTRY OF JUSTICE.....

8. Does your country have an income and asset test for granting legal aid?

Yes / No:

9. If yes, what is the maximum income level for granting legal aid?

Income level: gross income of the familiar unit below 866'90
euros per month Year :2002
.....

10. Is it possible to refuse legal aid for lack of the merit of the case?
(eg. for frivolous or vexatious actions, or cases without merit)

Yes / No:

.....

If yes, is the decision taken by : - the court
- **a body external to the court**
(please indicate the right answer) - a mixed decision-making body (court and external)
- other:

What factors are taken into account ?

Factors: Eg, for lack of merit of the case; frivolous action etc...
.....

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise:

.....

If yes, is this true for : - criminal cases? Yes / No
- other than criminal cases? Yes / No

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise:

.....

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise:

.....

If yes, is this true for : - criminal cases ? Yes / No
- other than criminal cases? Yes / No

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes / No
- the State? Yes / No

If yes, please indicate the references of these studies published in the year 2002 or 2003:
(Author / instance) (Title) (Type of courts or costs reported on):

.....
.....
.....

II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? Yes / No

internet address:

http://www.justicia.es/servlet/Satellite?pagename=Portal_del_Derecho/Page/PD_CanalCiudadano

- to the case-law of the higher court/s? Yes / No

internet address:

<http://www.poderjudicial.es/tribunalsupremo/>

- to other documents (for examples legal forms)? Yes / No

internet address:

<http://www.justicia.es>

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes / No

Comments: Both for victims of violent crimes in general and also for victims of specific crimes, like terrorism, or genre violence

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / No

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes / No

Comments: Both for victims of violent crimes in general and also for specific crimes, like terrorism

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?
Yes / No

If yes, are these surveys

- at national level Yes / No

- at court level Yes / No

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes / No

Please specify:

- at court level/internal procedure Yes / No

- at court level/external procedure Yes / No

- at national level/internal procedure Yes / No

- at national level/external procedure Yes / No

Comments: At local level, the citizens can complain to the Dean of the Courts. At national level, the complains can be addressed to the Judiciary Council.

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Yes / No

- time limit for dealing with the complaint: Yes / No

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of courts:

3.083

23. Number of general jurisdiction first instance courts

Number of courts:

2.249

24. Number of specialised first instance courts

Please specify the different areas of specialisation

(area of specialisation) (number of courts)

Juvenile Courts ----- 71
Administrative Courts ----- 174
Labour Courts ----- 300

TOTAL: 545

25. Number of professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Number of judges: **4.109** fe Year : **2003**
.....

Source : **Data on Justice – CGPJ 2003**
.....

26. Number of non-professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Number of judges: 1.268 Year : 1 st january 2004

Number of non professional judges in charge of the Justices of the Peace: 7.681 the first january 2003

Source :
CGPJ

The figure of 1.268 refers to the number of lawyer which were entitled the first of january 2004 to be called by the courts to replace the titular judge for any reason. There is no data available on the full time equivalent these people have acted.

Please give details: Non – Professional Judges work in Courts in different cases depending on the cause that leads to their call. In some situations this call is only for some days (case of illness). In others the call lasts longer such as situations where the professional judge has been nominated to another Court and till the moment of nomination of another professional judge or leave for taking care of a newborn.

The Justice of Peace is composed of lay judges in charge of petty civil and criminal cases in small districts.

27. Number of non-judge administrative staff who are working in courts

(present the information in full time equivalent and for permanent posts)

Number of staff: 37.334 fe Year : 2003
.....

Source : **Data on Justice – CGPJ 2003**
.....

28. Annual budget allocated to all courts (The Courts and Prosecutors of 9 autonomous Communities)

Annual budget: Year :

The budget allocated to Courts can be divided into two different categories.

- a) Budget of the Ministry of Justice: Covers salaries of judges, prosecutors, clerks in all cases. It also covers salaries of other court officials in Autonomous Communities where a transfer of material and personal means has not been made:

1.037.908,91 thousand €..... 2003
.....

- b) Budget of the Autonomous Communities where the transfer of Justice has been made (covers material means and salaries of court officials except judges, prosecutors and clerks).

1.239.235,99 thousand €..... 2003
.....

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget:1080,61 millions €... Year : 2002
Source :

30. Has the budget for justice increased during the last 5 years? Yes / No
What are the figures?

Budget	Year
1148 millions €	2005
1091 millions €	2004
Budget	Year
1082 millions €	2003
1080 millions €	2002

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes / No
- the Government Yes / No
- the Parliament Yes / No
- the Judicial Council Yes / No
- the Courts Yes / No
- other: The budget for Courts is included in the State Budget (in the Autonomous Communities where material means and personal means have been transferred it's

included in the budgets of the Autonomous Communities). This budget is made by the Government (and some Autonomous Communities Governments in some cases in the area of material means and some personal means that has been transferred) and approved by the Parliament (Cortes Generales safe for Autonomous Communities where the Parliament of the Autonomous Community is the one responsible for it).

32. Who manages the budget of the courts?

- the President of the Court *Yes / No*
- the person administratively responsible for the court *Yes / No*
- other: These persons belong to the Ministry of Justice or to the Justice Department of the Autonomous Community depending on the area.

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: **the court** / public prosecutor / lawyer / other:
- in other than criminal cases **the court** / public prosecutor / lawyer / other:

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases:	Year :	
.....3.321.829 (Inquiries).....	2002	
Source :		
.....PUBLIC PROSECUTOR'S OFFICE		

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases:	Year :	
.....Inquiries filed away: 2.690.845	2003	
Source :		
.....PUBLIC PROSECUTOR OFFICE		

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases:	Year :	
.....2.268.978.....	2002	
Source :		
.....PUBLIC PROSECUTOR OFFICE		

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases:	Year :	
.....	
Source :		
.....		

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases:441.001..... Year : 2002
Source :PUBLIC PROSECUTOR OFFICE

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases:91.540..... Year : 2002
Source :Judiciary Council.....

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: Year :
Source :

Please indicate, if possible:

Number of convicted persons: % of convicted persons:
Number of acquitted persons: % of acquitted persons:

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :
Source :

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases:1.199..... Year : 2002
Source :Judiciary Council.....

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: Year :
Source :

Please indicate also if possible:

Number of convicted persons: % of convicted persons:

Number of acquitted persons: % of acquitted persons:

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :
 Source :

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: Year : 2003

Source : Data on Justice – CGPJ 2003.

a) Civil Cases:

	Cases (in number)			Decisions	Enforcement		
	New Cases	Solved	Pending		New	Solved	Pending
1st Instance Courts	427.160	394.017	269.607	117.123	143.703	120.158	385.297
Family Courts	79.847	77.136	27.862	46.983	15.820	18.721	21.090
1st Instance and Invest. C.	498.063	458.755	331.824	167.844	160.847	128.963	361.976
Juvenile Courts	30.124	25.685	34.120	1.919	-	-	-
Appeals Courts (Civil)	61.057	70.753	37.421	52.894	-	-	-
Appeals Courts (C+P)	36.691	38.058	12.559	28.951	-	-	-
Sup C. Justice A.Comm.	342	335	83	144	0	1	0
Central Juvenile Courts	7	9	2	6	-	-	-
Supreme Court (Civil)	5.453	5.180	14.751	1.269	0	0	0
TOTAL	1.138.744	1.069.928	728.229	417.133	320.370	267.843	768.363

b) Administrative Cases:

	Cases			Decisions	Enforcement		
	New	Solved	Pending		New	Solved	Pending
Administrative Courts	74.277	74.135	38.308	45.179	5.325	5.105	1.911
Central Adm. Courts	3.076	3.303	1.135	2.269	161	119	82
Sup Court J Aut Comm (CA)	102.966	101.490	216.906	68.169	6.327	6.764	6.619
National Court (CA)	10.305	12.021	15.968	8.695	649	574	489
Supreme Court	10.057	9.530	21.381	4.307	69	124	34
TOTAL	200.681	200.479	293.698	128.619	12.531	12.686	9.135

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: Year : 2003
Source :

See chart above

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: 15,61 % Year : 2003
(for the Administrative courts)

18,88% for civil courts

Source :
..... Judiciary Statistics – CGPJ 2003

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: 28.172 Consensual Divorce Year :
19147 Contested Divorce 2003

Source : Judiciary Statistics – CGPJ 2003.....

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: 27.753 Consensual Divorce Year :2003
17.695 Contested Divorce

Source :
..... Judiciary Statistics – CGPJ 2003.....

In the figure are included all the cases ended in the year

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: No data available Year :

Source :
.....

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases:64.094..... Year :
..... 2003

Source :
..... Judiciary Statistics – CGPJ 2003.....

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: 61.976 Year :

Source :
.....

..... Judiciary Statistics – CGPJ 2003

In the figure are included all the cases ended in the year

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: No data available Year :

Source :
.....

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: 4.358.319 euros Year : 2003

Source :

Technology Resources in the Administracion of Justice 2003. GCJ. Provisionsal Data
Dato for Cataluña and Valencia Autonomous Communities not included

54. In general, do the courts in your country have computer facilities?

- for judges Yes / No
- for non-judges court staff Yes / No

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary ? Yes / No

If yes, please specify the name and the address of this institution

(Name) Spain´s General Council for the Judiciary

(Address) C. Marqués Ensenada 8 – 28004 Madrid

56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone Yes / No
- Mail Yes / No
- Fax Yes / No
- E-mail Yes / No
- Internet Yes / No

57. Is there an electronic form to carry out certain procedural steps? Yes / No

There are some models for small claims that can be used and that are at the disposal of all citizens (in all official languages) in the web page of Spain's Council for the Judiciary: www.poderjudicial.es

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: Year :
Source :

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes / No

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / No

61. Are reasons given for all prison sentences? Yes / No

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length: days Year : not data available
Source :

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: days Year : not data available
Source :

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: 265 days Year : 2003
Source :
..... Data on Justice – CGPJ 2003.....

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length: days Year : no data available
Source :

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: 82 days Year : 2003
Source :
..... Data on Justice – CGPJ 2003.....

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length: days Year :
Source : No data available

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes / No

69. Do you have a way of analysing queuing time during court procedures?

Yes / No

If yes, please specify: By the statistical data that is provided each three months by each Court in Spain to the General Council for the Judiciary.

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary :42.850 €..... Year : 2004
Source :MINISTRY OF JUSTICE....

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary :111.836 €..... Year : 2004
Source :MINISTRY OF JUSTICE....

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? **Yes / No**

If yes, please specify: Paid jobs are prohibited except teaching, artistic activities and publications, previous analysis of compatibility by Spain's General Council for the Judiciary.

73. Are judges recruited and nominated by an independent institution? **Yes / No**

(if yes), who are represented in this institution:

- the members of the judiciary **Yes / No** (judges and prosecutors)
- officials not part of the judiciary **Yes / No** (university professors + lawyers)
- a mixture of the two categories referred to above **Yes / No**

Is the process of selection and nomination of judges carried out according to pre-established procedures? **Yes / No**

74. Is there a system of induction and continuation training for judges?

No / **Yes, but not compulsory** / Yes, compulsory

(proposal on the compulsory character in the future)

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: Year :
Source :

75. Is there a system of supervision and control on the courts - other than through appeal? **Yes / No**

If yes, please specify: Appeal is the system of revision of judicial decisions. But besides it, in what is not considered as the exercise of jurisdictional functions, there is an Inspectorate of Courts in the General Council of the Judiciary that takes care of the good work and organisation of Courts with periodic controls and visits to all Courts in Spain.

.....

76. Is there in your country a system of temporary judges? **Yes / No**

If yes, are these temporary judges paid on the basis of their activity? Yes / No

If yes, please specify: Even though there are not temporary judges in Spain as such (professional judges), non-professional judges (where they act in cases as illness, maternity leave etc) are nominated for a certain period of time with possible renomination in case their work is considered as satisfactory.

77. Annual number of disciplinary proceedings against judges

Number of proceedings: 52 Year : 2003

Source : Disciplinary Commission of Spain 's Council for the Judiciary

78. Annual number of sanctions against judges

Number of sanctions: 17 Year : 2003

Source : Disciplinary Commission of Spain 's Council for the Judiciary

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget: Year :

Source :

It is included in the Budget of the Ministry of Justice

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: 1.610 Year : 2003

Source :

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary :42.850 €..... Year : 2002

Source :MINISTRY OF JUSTICE

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary :111.836 €.....
Source :MINISTRY OF JUSTICE.
Year : 2002

83. Can public prosecutors combine their work with other professions? **Yes / No**

If yes, please specify: Paid jobs are prohibited except teaching, artistic activities and publications

84. Are public prosecutors recruited and nominated by an independent institution? **Yes / No**

(If yes), who are represented in this institution:

- the public prosecutors ? **Yes / No**
- other stakeholders outside? **Yes / No**
- a mixture of the two categories referred to above? **Yes / No**

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? **Yes / No**

85. Is there a system of induction and continuation training for public prosecutors?

No / **Yes, but not compulsory** / Yes, but compulsory The same answer as in 74

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors:
Source :
Year :

86. Is there a system of supervision and control on public prosecutors? **Yes / No**

If yes, please specify: Apart from direct hierarchical supervision, there is also control by the Prosecutor General through the Inspectorate General of Public Prosecutors.

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings:4.....
Source :ANNUAL REPORT OF THE GENERAL ATTORWEY
Year : 2002

88. Annual number of sanctions against public prosecutors

Number of sanctions:1...
Source :ANNUAL REPORT OF THE GENERAL ATTORWEY
Year : 2002

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: 108.502

Year : 2003

Source : Consejo General de la Abogacía Española (General Council of Spanish Lawyers)

90. Is there a national bar association? Yes / No

The Consejo General de la Abogacía Española (General Council of Spanish Lawyers)

91. Have quality standards been formulated for lawyers? Yes / No

The Código deontológico de la Abogacía

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No

- the legislature Yes / No

- other Yes / No

92. Can disciplinary proceedings be instituted against lawyers? Yes / No

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: Between 1500 and 2000

Year : 2003

Source : Consejo General de la Abogacía Española

94. Annual number of sanctions against lawyers

Number of sanctions:

370

Year : 2003

Source : Consejo General de la Abogacía Española

95. Is it possible to complain about the performance of lawyers? Yes / No

If yes, please specify:

The competence to know about the complaints corresponds to the Bar Associations

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount:

200

€

Year : 2003

Source :
... Consejo General de la Abogacía Española

IX. Mediators and mediation proceedings *

(See the comments at the end of the Questionnaire)

97. Number of accredited or registered mediators

Number of mediators: Year :
.....

Source :
.....

98. How much public budget is devoted to mediation?

Amount: Year :
.....

Source :
.....

99. Number of incoming mediation cases (in a year)

Number of cases: Year :
.....

Source :
.....

100. Number of cases solved through mediation (in a year)

Number of cases: Year :
.....

Source :
.....

If possible, please specify:

- number of criminal cases solved through mediation:

.....

- number of cases other than criminal solved through mediation:

.....

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / No

- in other than criminal cases? Yes / No

Year : Source :
.....

X. Enforcement agents and execution of court decisions *

(See the comments at the end of the Questionnaire)

102. Number and types of enforcement agents

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
.....
.....
.....
.....

- in other than criminal cases:

.....
.....
.....

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes / No

If yes, please specify:

.....

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: Year :

Source :
.....

105. Annual number of sanctioned enforcements agents

Number of agents: Year :

Source :
.....

106. Is it possible to file a complaint against an enforcement agent? Yes / No

If yes, please specify:

.....

107. Does the court play a role in the execution of court decisions? Yes / No

If yes, please specify: The own count executes its own decisions, or there are courts specialized in executions

.....

108. Are the courts competent to decide against public authorities? Yes / No

Are the courts involved in executing decisions against public authorities? Yes / No

COMMENTS TO SOME OF THE ANSWERS OF THE QUESTIONNAIRE

Questions 4 to 7:

Spain has a decentralised political-administrative structure similar to a Federal State.

The Spanish State is divided into 17 Regions, called Autonomous Communities. Each Autonomous Community has broad political-administrative competences, and it's own Parliament, Government and Civil Service. The main centralised competences are Foreign Affairs, Army and borders control.

The competences in Justice (economic budget and staff, excluded Judges, Prosecutors and Court Secretary) are being transferred gradually to the Autonomous Communities.

So far the said competences have been transferred to 8 Autonomous Communities (Galicia, Euskadi, Navarra, Cataluña, Andalucía, Madrid, Valencia, Islas Canarias). The number of inhabitants of those 8 Autonomous Communities was in 2002 of 31 097 766. There are still another 9 Autonomous Communities (Asturias, Cantabria, Aragon, Baleares, La Rioja, Extremadura, Castilla Leon, Murcia, Castilla la Mancha, Ceuta y Melilla), without these competences, but they will be transferred gradually. The number of inhabitants of those 9 Autonomous Communities is 10 740 120. It means that the figures of questions 4 to 7 must be applied to a population of 10 740 128 of inhabitants instead of the total population of Spain, which is 41.837 894 inhabitants.

This situation creates some difficulties to answer some of the questions, mainly 4 to 7, referred to economical data. The answers given above correspond only to the 9 Autonomous Communities, without competence in Justice. The figures of the money spent in Legal Aid and the number of cases in the other 8 Communities, with competence in Justice, were not available at the time of answering the questionnaire.

Question 28: Due to the distribution of competences on Justice, as explained above, the budget allocated to Courts comes from two different sources: the Ministry of Justice (whose budget always covers salaries of judges, prosecutors and clerks, but also the salaries of other court officials in Autonomous communities where competences in material and personal means have not yet been transferred) and the budget of those Autonomous Communities that have been transferred competences in justice (which then covers material means and salaries of court officials, except judges, prosecutors and clerks).

Question 29: This figure corresponds only to the Ministry of Justice. The Judiciary Council, as an independent Body, has its own budget.

Question 30: The budget in fact has been increased more, due to the transfers to the Autonomous Communities, with their own budget for Justice, as indicated above.

Question 35: In the Spanish judicial system, the Prosecutor does not have power to initiate procedures. This initiative corresponds to the Judges of Instruction (criminal cases) The answer to question 34 is related to the criminal cases initiated by the Judges of Instruction.

The figures referred to stopping a cause or ruling that a cause should not continue are referred to the activity of Judges, not Prosecutors.

Question 36: No available information. The Prosecutor cannot close a case though negotiation. It`s called a sentence of conformity.

Question 53: The same comments apply as to questions 4 to 7.

Chapter IX Questions 97 to 101. In Spain mediation has not been yet introduced in the judicial procedures. However, mediation has been introduced in the Family Code of Catalonia, which has some territorial specialities as regards in civil law matters.

Chapter X. Questions 102 to 108. In the Spanish Legal System there are not enforcement agents for the execution of court decisions.

