



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Spain

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants

45283259

##### 2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	407849000000
Regional / entity level	

##### 3) Per capita GDP (in €)

24038

##### 4) Average gross annual salary (in €)

29364

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

#### Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Q1 Source Eurostat (population by sex and age on 1.Jan)

Q2 Source Eurostat General Government expenditure function. Data 2007 as 2008 are not available

Regional/Entity level: 155817 Autonomous Communities

66961 Local administrations

120752 Social Security

Q3 Source Eurostat. GDP at current market prices and population by age/sex on 1 Jan.

Q4 Source Eurostat. Average gross annual earnings in industry and services (Data for 2007, not available for 2008).

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

##### 6) Total annual approved budget allocated to all courts (in €)

3906088640

##### 7) Please specify

The data provided corresponds to budgetary lines included in the policy programme "Justice" (11). There are other expenses in justice matters, for example those related to social security of personnel of the justice administration, which are considered under policies other than

the "Justice" policy, concretely under programmes 222M and 312E ("Benefits and healthcare of Administrative Mutual Insurance Associations").

CGPJ (General Council of the Judiciary)  
 111M "Governing of the Judiciary": 39516120  
 111O "Selection and training of judges": 23111110  
 111P "Judicial Documentation and Publications": 10236660  
 TOTAL "Justice" C.G.P.J. 72 863890

Ministry of Justice and other bodies  
 111N "Management and general justice services" : 57636430  
 112A "Courts and Public Prosecution": 1380205870  
 111Q "Training of Justice administration personnel": 14838690  
 113M "Public Registers": 38484650  
 TOTAL "Justice" Ministry and other bodies: 1491165640 euros

AUTONOMOUS COMMUNITIES : 2342059110 euros.

**8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied**

**Please provide comments to explain the data provided under question 8:**

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	2489442790
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	59530490
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	2944000
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	56252870
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	33051440
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	
Other (please specify):	<input type="checkbox"/> Yes	1264867050

**Comment :**

As Q8 is more specific than Q6 and only comprises certain concepts, the remaining budgetary items which have not been susceptible of individualization are included in "other". In addition, items specified under Q8 refer to the amount each of these concepts is granted within the Ministry of Justice's budget (therefore not comprising the budget of the General Council of the Judiciary and the Autonomous Communities with transferred competences). Although the National Commission for Judicial Statistics is working to be able to obtain the specific amount of allocations from these entities, they are not currently available.

Salaries: Total initial budgetary allocation to Chapter 1 "Staff expenses" (including data of the Public Prosecution Services, which are budgeted together with those of Courts.  
 Computerisation: Total initial budgetary allocation assigned to rental and maintenance of IT equipment, non-stocked IT material and projects in Chapter 6 related to investments in IT.  
 Justice expenses: Total initial allocation to subconcept "value declarations and expertise".  
 Court buildings: Total initial allocation to rental costs, maintenance, electricity, water, tax, cleaning and security of buildings.

It is not possible to provide the annual public budget allocated to training as it is not possible to

establish general criteria to extract the information directly, without having to consult every body or autonomous community.

**9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?**

Yes

No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years:

For every exercise since 2004 to 2008, the annual public budget adopted for the "Justice" Policy has increase in relation to the previous year. The porcentual increase varies from 4.46% in 2006 to 14.94% in 2008. The positive variation of this last exercise (2008) represents almost 50% of the budget adopted in 2004.

2004 2005 2006 2007 2008

TOTAL

FUNCIÓN

JUSTICIA 2.611.602,95 2.943.724,09 3.074.966,74 3.398.261,61 3.906.088,64

INCREMENTO INTERANUAL 12,72% 4,46% 10,51% 14,94%

INCREMENTO 2008/2004 49,57%

**10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

for criminal cases?

for other than criminal cases?

If yes, are there exceptions? Please specify:

There are court taxes in civil and administrative proceedings (art.35 of Law 53/2002, 30 December). The Law provides for several exemptions, both objective (family, succession, civil status) and subjective (namely regarding natural persons and legal entities total or partially exempt from taxation).

**11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)**

NA

**12) Total annual approved budget allocated to the whole justice system (in €)**

**Please provide information concerning the budgetary elements that included in the whole justice system budget:**

.  Amount 4040218130

Comment :

Total budget "Justice Policy" 2008 ..... 3906088640

Ministry of Justice and adscribed bodies' programmes not pertaining to the "Justice Policy" ..... 134129490

TOTAL EXPENSE OF THE JUSTICE SYSTEM IN 2008..... 4040218130

Prison system (Ministry of the Interior) and protection of minors (transferred to Autonomous

Communities) are not included in the data above.

### 13) Total annual approved public budget allocated to legal aid (in €)

Please provide comments to explain the figure provided under question 13:

.  Amount 219707018

Comment :

Legal Aid Rotation of the Bars and Domestic Violence = 147.319.159€

Legal Counsel to arrested persons = 54359.285€

Infrastructure expenses= 18.028.575€

### 14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	155712213	91450030

Comment :

### 15) Is the public budget allocated to legal aid included in the court budget ?

Yes

No

### 16) Total annual approved public budget allocated to the public prosecution system (in €)

Please provide comments to explain the figure provided under question 16:

.  Amount

Comment :

NA: Up to now (2009) the budget allocated to courts and to the public prosecution system is one and the same (no separate budget for the public prosecution). As from 2010 there will be a specific budgetary line for the Public Prosecution Service. However such budgetary line will only include allocations susceptible of individualisation (namely, those that refer to staff costs- Chapter 1).

Therefore, for 2008 it is not possible to provide separate data regarding the budget of the public prosecution system. The allocations for the Prosecution system fall under programme 112A (Courts and Public Prosecution) included in the "Justice" Policy. Therefore they have been included in the data related to the court budget. (See reply to question 6)

In addition, the cost of staff of prosecution offices (other than prosecutors) is partly budgeted within the budget of the Ministry of Justice and partly in the budget of those Autonomous Communities with transferred competences in Justice matters. The same can be said in relation to functioning costs and investments in Prosecution buildings.

### 17) Is the budget allocated to the public prosecution included in the court budget?

Yes No**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	Yes	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	Yes
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	Yes	Yes	Yes	Yes

**19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):**

In Autonomous Communities with competence in administration of justice the role of the Ministry is played by the relevant "Consejería de Justicia" (Justice Office) and that of the Parliament by the Parliament/legislative body of the respective Autonomous Community.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

To understand the budgetary system in justice administration it is useful to know that Spain has a decentralised political and administrative structure and it is divided into Autonomous Regions, each of them with broad and variable political-administrative competences and their own Parliament, Government and Civil Service. Competences in Administration of Justice are gradually being transferred to the Autonomous Communities, namely the administration of material and personal means related to justice (with the exception of Judges, Prosecutors and Secretarios judiciales/Rechtspfleger, that are national bodies). In those Autonomous Communities where competences have not been transferred, powers in justice administration still correspond to the Ministry of Justice.

This explains that, within the territorial sphere of the Ministry of Justice, the budget allocated to the Courts is prepared by the Ministry of Justice, adopted by the Parliament, managed by the Ministry of Justice and evaluated by the Parliament. In those Autonomous Communities with competences in justice administration, the role of the national parliament is played by the parliament of the Community and the role of the Ministry of Justice by the respective "Consejería de Justicia" (Justice Office).

**Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.**

Q6 Ministry of Justice. Directorate General for Financial Coordination with Autonomous Communities and Local Entities of the Ministry of Economy.

Q12 Ministry of Justice

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	Yes	Yes

#### 21) If other, please specify (in regards to question 20):

- Legal assistance to those arrested or held in custody
- Free notices in official journals
- Free expert's assistance
- Free copies or certificates
- Exemption of deposits required to lodge certain appeals
- 80% reduction of fees related to certificates by Notaries or in Commercial/Property Registers

#### 22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes  
 No

If yes, please specify:

It covers those costs that are necessary to lodge the appeal

#### 23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes  
 No

#### 24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	629248
in criminal cases	NA
Other than criminal cases	NA

Comment :

The different Bars manage legal aid files and the provisional designation of legal aid lawyers. The number in table 24 corresponds to the number of legal aid files dealt with by the Bars. However, the decision to confirm or deny legal aid corresponds to the Legal Aid Commission.



**25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?**

- Yes  
 No

**26) Does your country have an income and asset test for granting legal aid:**

	Yes	Amount in €
for criminal cases	yes	1054,48
for other than criminal cases?	yes	1054,48

Comment :

The limit is a maximum monthly income of twice the IPREM (527,24 per month). This is 1054,48 euros which multiplied by 12 equals 12653.76 euros.

**27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?**

- Yes  
 No

Please provide comments to explain the answer under question 27:

If the Bar Association and the Public Prosecution consider in their respective reports in the lack of merit of the case, the Legal Aid Commission may refuse the legal aid claim.

**28) If yes, is the decision for granting or refusing legal aid taken by:**

- the court?  
 an authority external to the court?  
 a mixed decision-making authority (court and external)?

**29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?**

- Yes  
 No

Please specify:

Yes, (private insurances, namely for civil liability) but they fall out of the scope of legal aid.

**30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:**

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

In relation to Q23 granted legal aid covers, during the same instance, all the legal steps and incidents, including execution of decisions.

**Please indicate the sources for answering the questions 24 and 26**

CGAE General Council of Bar Associations

**2. 2. Users of the courts and victims****2. 2. 1. Rights of the users and victims****31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.boe.es,<br>www.justicia.es,<br>www.cgae.es, www.fiscal.es |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es):                    | <input checked="" type="checkbox"/> Yes | www.poderjudicial.es,<br>www.tribunalconstitucional.es        |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es):              | <input checked="" type="checkbox"/> Yes | www.justicia.es,<br>www.fiscal.es                             |

**32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?**

- Yes  
 No

If yes, please specify:

In principle, procedural provisions set statutory timeframes for the proceedings.

**33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?**

- Yes  
 No

If yes, please specify:

In particular through the Offices for Attention to Victims

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

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	Yes	Yes	Yes	No
Victims of terrorism	Yes	Yes	Yes	No
Children/Witnesses/Victims	Yes	Yes	Yes	No
Victims of domestic	Yes	Yes	Yes	Yes

violence				
Ethnic minorities	No	No	No	No
Disabled persons	No	Yes	No	No
Juvenile offenders	No	Yes	Yes	No
Other	No	No	No	No

Comment :

**35) Does your country have a compensation procedure for victims of crimes?**

- Yes  
 No

**36) If yes, does this compensation procedure consist in:**

- a public fund?  
 a court decision?  
 a private fund?

If yes, which kind of cases does this procedure concern?

Compensation concerns cases involving damage or injury. Notwithstanding the civil action that can be exercised within the criminal proceedings and lead to a judicial compensation order against the offender, there is also a system of public aid to victims established in a number of legal Acts. Public Aid includes financial compensation for victims of intentional and violent crimes in general, as well as for victims of specific offences (terrorism, domestic violence...) in particular.

**37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?**

- Yes  
 No

If yes, please specify:

**38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?**

- Yes  
 No

If yes, please specify:

Yes, before, during and after the proceedings.

Article 10 of the Organic Statute of the Public Prosecution Service reads: "For the completion of the missions established in article 1, it falls to the Public Prosecution Service:

3. To see to victim protection during legal process by promoting the mechanisms set in place for the receipt of effective victim aid and assistance."

One of the particularities of the Spanish criminal system is that usually criminal and civil actions are jointly exercised in the same proceedings. In other words, in the Spanish system any offence entails both criminal and civil responsibility, the latter implying the obligation of the person liable from a civil point of view, to compensate damages and injury derived from the offence.

In this sense, Art. 100 Criminal Procedural Law reads:

"Criminal action arises for any offence or misdemeanour with the aim of punishing the guilty party and there may also be a civil action for the recovery of property, reparation for damages and compensation for injury caused by the criminal act"

Art. 109 of the Criminal Code provides that the examining magistrate shall offer the victim the possibility of acting as a party in the proceedings and the possibility of civil action so that he can choose whether or not to make a claim in the criminal proceedings or to reserve the right to claim for damages via separate civil proceedings.

In any case, whether the victim decides or not to become a formal party represented by a lawyer, the Public Prosecutor will proceed with civil action on his behalf. The only exception is when the victim expressly renounces to civil compensation.

According to Article 108 of the Criminal Procedural Law, "Public prosecutors must request civil compensation for the victims of a criminal offence at the same time that they exercise penal actions, whether or not there is also private prosecution in the proceedings. However, if the victim expressly waives his right to recovery, reparation or compensation, the Public Prosecutor shall only claim the punishment of the guilty party".

In addition, according to the Instruction 8/2005 of the General Prosecution Office, Public prosecutors must inform victims of their rights, means of assistance, the course of proceedings and the final decision.

**39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?**

Yes

No

If yes, please specify:

In Spain it is the investigative judge and not the prosecutor who is entrusted with criminal investigations. It is therefore the Investigative judge who can decide to discontinue a case. If the prosecutor decides not to bring charges, the victim can still exercise criminal actions independently and ask the judge to continue the case. As explained in Q38 in the Spanish system, the victim of an offence can become a party in the proceedings as "private prosecution", and exercise, by means of his legal representation, both civil and criminal actions, and can accordingly present evidence and make allegations and appeals. Often, together with the public action exercised by the criminal prosecutor, the victim represented by his lawyer will also be present in criminal proceedings, claiming the penalty and compensation he considers appropriate. This derives from Article 109, already transcribed in the previous question, and article 110 of the Criminal Procedural Law. According to the latter, if the Investigative judge decides to file a case, the victim has the right to appeal before a higher court. In cases where the Public Prosecutor has investigative powers to conduct investigations prior to judicial proceedings, the victim has the right to reiterate his complaint before the investigative judge, should the Public Prosecutor decide to file the investigation.

2. 2. 2. Confidence of citizens in their justice system

**40) Is there a system for compensating users in the following circumstances:**

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

User's right to receive compensation by the State in case of damages caused by judicial error or by abnormal functioning of the Administration of Justice is enshrined in the Spanish Constitution. To this end, citizens can claim compensation from the Ministry of Justice through an administrative procedure in which the amount will be determined.

**41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?**

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

The Spanish General Bar Association elaborates annual satisfaction surveys in relation to lawyers as well as "flash" surveys which sound citizen's opinion on issues affecting the Bar. The General Council of the Judiciary also elaborates annual reports on the situation of the Justice System. They can be found in their respective websites (cfr.Q31).

**42) If possible, please specify:**

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
--	---	--------------------------

Surveys at national level	Yes	Yes
Surveys at court level	Yes	No

**43) Is there a national or local procedure for making complaints about the functioning (for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?**

Yes

No

**44) If yes, please specify:**

**Please give elements of information concerning the efficiency of this complaint procedure:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	No	No
Higher court	Yes	Yes
Ministry of Justice	No	No
High Council of the Judiciary	Yes	Yes
Other external organisations (e.g. Ombudsman)	No	No

Comment :

Complaints are analysed and solved, the case being they can be referred to the Disciplinary Commission of the General Council of the Judiciary.

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.**

	Total number
First instance courts of general jurisdiction	2109
Specialised first instance Courts (legal entities)	1305
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	743

**46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

Specialised courts (reference date 1st January 2009):

326 Labour Courts 4 Labour Enforcement Courts

229 Administrative courts

81 Juvenile Courts 1 Juvenile Enforcement Court

40 Commercial Courts

97 Family Courts of 1st Instance

2 Mortgage Courts of First Instance

13 Wardship Courts of 1st Instance

92 Violence against Women Courts

44 Prison Courts

327 Penal Courts 15 Penal enforcement Courts

8 Decanatos Exclusivos

26 Civil Register Courts (exclusive)

Non-specialised 1st Instance Courts (reference date 1st January 2009)

1st Instance:591

Magistrate's Courts:453

Mixed Civil and Criminal:1065

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

Yes

No

If yes, please specify:

Implementation of the new organisation of the Judicial Office

**48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Number

a debt collection for small claims	1645
a dismissal	319
a robbery	1479

**Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):**

- Verbal proceedings: claim not exceeding 3000 euros
- Ordinary proceedings: claim not exceeding 3000 euros
- Monitory proceedings: debt not exceeding 30000 euros

**Please indicate the sources for answering the questions 45 and 48:**

CGPJ

### 3. 1. 2. Judges, courts staff

**49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)**

**Please provide comments to explain the answer under question 49:**

Number  . 4836

Comment :

Existing and occupied posts at the reference date of 1st january 2009

**50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

	Number
gross figure	1223
if possible, in full time equivalent	NA

**51) Please provide comments to explain the answer under question 50:**

**52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).**

**Please provide comments to explain the answer under question 52:**

	Yes	Number
Do you have non-professional judges?	yes	7681

Comment :

There are 7681 lay judges, one per local administration that is not the seat of a judicial district. Therefore in those municipalities without a 1st Instance Civil and Criminal Court there shall be a



Justice of Peace Court. Judges are non-profession, do not belong to the judiciary and do not necessarily have a law degree. They are elected by the Municipal Council and appointed by the Higher Courts of Justice for a 4 year period.

Their competence is limited to civil claims below 90 euro and some misdemeanours and are in charge of the Civil Register as delegates of the relevant 1st Instance Court.

**53) Does your judicial system include trial by jury with the participation of citizens?**

Yes

No

If yes, for which type of case(s)?

Art.1 of Organic Law 5/1995 on Trial by Jury includes the following types of offences:

- against the person
- committed by public officials in the exercise of their duties
- against honour
- against liberty and security
- arson

**54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**

2200

**55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.**

**Please provide comments to explain the answer under question 55:**

Number  . 45733

Comment :

The number of non-judge staff who works in courts amounts to 41809, of which 33453 correspond to Autonomous Communities with transferred competences and 8356 to the central, not transferred, area.

The number of Secretarios Judiciales (Rechtspfleger) (3924) who work in courts with quasi-judicial tasks has been added to the 41809 non-judge members of staff.

**56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

- non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal  Yes 3924
- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars NAP
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, NAP

including computer systems, financial and budgetary management, training management)

- technical staff

NAP

Comment :

It is not possible to distribute the staff in the proposed categories as the Spanish staff categories do not fully coincide with the description and in some cases perform functions that would correspond to several of them.

**57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:**

The Secretarios Judiciales (similar to huissiers/rechtspfleger) are civil servants that form a high technical/legal body of national scope, dependant on the Ministry of Justice. To access the profession they must hold a law degree and pass a competitive examination followed by initial training. Whilst carrying out their tasks they have the consideration of "public authorities" and must act in accordance with the principles of legality and impartiality. Their statute and tasks are regulated in the Organic Law for the Judiciary and their own Organic Regulation.

The latter include the exclusive power of judicial authentication (fe pública judicial), by which they provide reliable/authentic record of procedural acts or facts that have procedural effects. The Secretario Judicial is the Court Manager, instructs the staff of the judicial office and performs functions related to the management and impulse of proceedings, supervision of registries and of the archiving of documents and objects, court cashier, judicial statistics, etc in the terms established by the relevant laws.

### 3. 1. 3. Prosecutors

**58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

Number

.

2178

Comment :

Reference date 21 January 2008, according to Royal Decree 1754/2007 of 28th December.

**59) Do any other persons have similar duties as public prosecutors?**

Yes

No

If yes, please specify:

Substitute prosecutors who may act, depending on the cause that leads to their call, during a certain period of time (illness, maternity leave, etc).

**60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

**Please provide comments to explain the answer under question 60:**

Number

.

1986

Comment :

### 3. 1. 4. Court budget and new technologies

#### 61) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	No	No	No	No
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	Yes	Yes	Yes

#### 62) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

Q61 is not applicable to the Spanish system where there is no responsible person within individual courts.

#### 63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	Yes	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

#### 64) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	Yes	No	No	No

#### 65) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	Yes	No	No	No
Special Website	No	No	Yes	No
Other electronic communication facilities	No	No	No	Yes

**66) 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:

Ministry of Justice, National Commission for Statistics.  
General Council of the Judiciary, Judicial Statistics Section.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

29.275,51 thousand euros have been allocated to courts for new technologies in 2008.

Regarding main reforms the Modernisation Plan for the Justice System was approved in September 2009.

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Monitoring and evaluation

**67) Are the courts required to prepare an annual activity report?**

- Yes  
 No

**68) Do you have a regular monitoring system of court activities concerning the**

- number of incoming cases?  
 number of decisions?  
 number of postponed cases?  
 length of proceedings (timeframes)?  
 other?

Please specify:

Every Court has to provide a report every 3 months (statistical bulletin). Taking into account such bulletins and other additional information, the High Justice Courts are required to prepare an annual activity report, which comprises information on all the courts/judicial organs within their territory.

**69) Do you have a regular system to evaluate the performance of each court?**

- Yes  
 No

Please specify:

On the basis of statistical data and information provided by the courts, the Inspectorate Service of the General Council of the Judiciary elaborates every 6 months an "activity evaluation", comparing the achieved results with the working modules defined in advance for different types of courts.

**70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?**

- Yes  
 No

**71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:**

- incoming cases  
 length of proceedings (timeframes)  
 closed cases  
 pending cases and backlogs  
 productivity of judges and court staff  
 percentage of cases that are treated by a single sitting judge  
 enforcement of penal decisions  
 satisfaction of employees of the courts  
 satisfaction of clients (regarding the services delivered by the courts)  
 judicial quality and organisational quality of the courts  
 costs of the judicial procedures  
 other:

Please specify:

**72) Are there performance targets defined for individual judges (if no go to question 74) ?**

- Yes  
 No

**73) Please specify who is responsible for setting the targets:**

- executive power (for example the ministry of Justice)?  
 legislative power  
 judicial power (for example a High Judicial Council or a Higher Court)  
 other

If other, please specify:

**74) Are there performance targets defined at the level of the courts (if no go to question 77)?**

- Yes  
 No

**75) Please specify who is responsible for setting the targets:**

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

**76) Please specify the main targets applied****77) Which authority is responsible for the evaluation of the performances of the courts:**

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

In addition to the General Council of the Judiciary, the President of every High Court of Justice within its territory.

**78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?**

- Yes
- No

If yes, please specify:

Currently limited to accumulation of lawsuits and respecting the deadlines set for handling the judicial decision.

**79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?**

- Yes
- No

**80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:**

- civil cases?
- criminal cases?
- administrative cases?

**81) Do you have a way of analysing waiting time during court procedures?**

- Yes  
 No

If yes, please specify:

Every court can benefit from the court management electronic system and applications.

**82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?**

- Yes  
 No

Please specify (including an indication of the frequency of the evaluation):

Yes, through scheduled visits by the Inspection Service.

**83) Is there a system for monitoring and evaluating the functioning of the prosecution services?**

- Yes  
 No

If yes, please specify:

The Office of the Attorney General of Spain elaborates an annual Activity Report which is made public at the beginning of the judicial year and presented annually by the Attorney General to the Parliament. Similarly, the Prosecutors Offices at the High Courts of Justice elaborate an annual Activity report within their territory, a copy of which is sent to the government, judicial council and legislative assembly of the Autonomous Community and presented by the High Court Prosecutor before the latter.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**  
 **the characteristics of your court monitoring and evaluation system**

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

NA

**85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

Yes

No

If possible, number of successful challenges (in a year):

**86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	0	0	0	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	0	0

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

civil cases?

criminal cases?

administrative cases?

Please specify:

**88) Are there simplified procedures for:**

civil cases (small claims)?

criminal cases (petty offences)?



administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

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

Yes

No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

**90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	2139498	2607873	2105604	2604034
1 Civil (and commercial) litigious cases*	813109	1620717	1324577	1074748
2 Civil (and commercial) non-litigious cases*	93502	219654	223310	84365
3 Enforcement cases	1090255	587708	397317	1280327
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	142632	179794	160400	164594
7 Other				
Total criminal cases (8+9)	433159	1266284	1227834	483125
8 Criminal cases (severe criminal offences)	224997	345707	310280	259358
9 Misdemeanour and / or minor offences cases	208162	920577	917554	223767

**91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):**

Civil cases include those of Courts of First Instance and First Instance and Enquiry (without measures and preliminary issues), family cases from Violence against Women Courts, Labour Courts and Labour Chamber of the Audiencia Nacional, Verbal cases from Juvenile Courts, and Comercial Courts (Banruptcy, including all cases from art 86 ter 1, y ter 2 and preliminary issues, social files, and community trade marks).

Non-litigious cases include, in addition to non-litigious divorces, cases of voluntary jurisdiction and internments.

Enforcement of judgments include, civil cases from Courts of First Instance and First Instance and Enquiry, from Commercial, administrative and labour courts, civil cases from Juvenile courts, civil cases from High Superior Courts and from the Labour Chamber of the National Court.

Administrative cases include cases in Administrative Courts and Central Administrative Courts.

Misdemeanours include cases in Magistrates's courts, Courts of First Instance and Enquiry and Violence against Women's Courts.

The explanation regarding criminal cases is more complex:

As pending cases the following have been taken into account : criminal full jury and simplified proceedings in Magistrates's courts, Courts of First Instance and Enquiry and Violence against Women's Courts. Criminal full and simplified proceedings in Criminal Courts and Central Enquiry Courts.

As incoming cases the following have been taken into account: simplified proceedings and those solved by means of an agreement (in urgent proceedings) in Magistrates's courts, Courts of First Instance and Enquiry and Violence against Women's Courts. Criminal full and simplified proceedings in Central Enquiry Courts.

As resolved cases:

For Magistrates's courts, Courts of First Instance and Enquiry and Violence against Women's Courts, solved criminal proceedings except those appealed, solved Jury trials not appealed, cases solved by agreement, solved simplified proceedings minus appealed, minus incoming proceedings minus jury proceedings.

For Central Enquiry Courts solved full criminal proceedings minus appealed.

For Central Criminal Courts, solved simplified proceedings.

For the criminal chamber of the National Court, solved full and simplified criminal proceedings.

Regarding types of criminal cases the Spanish Criminal Code establishes a 3-fold clasification of criminal offences: serious crimes, less serious crimes and misdemeanours. Such clasification is to a great extent of a formal character as it depends on the different types of penalties envisaged:

- Serious crimes are those punished with serious penalties (namely imprisonment and disqualifications of more that 5 years)
- Less serious crimes are those punished with less serious penalties (namely imprisonment until 5 years and most criminal fines)
- Misdemeanours are punished with minor penalties (for example small fines)

Serious and less serious crimes therefore represent the vast majority of offences in the Spanish Criminal Code, which only dedicates around 20 articles to misdemeanours.

Finally, Spain also knows administrative sanctions (ie.police fines for speeding or parking tickets) that are not criminal cases and are treated outside the criminal law system.

**92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 91.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and**

**possibly the existence of appeal rates for some case categories):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	117045	193520	191064	119391
1 Civil (and commercial) litigious cases*	80291	143715	148729	74805
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases	9309	7291	7409	9727
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	27445	42514	34926	34859
7 Other				
Total criminal cases (8+9)	25387	144530	142348	27289
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour and/or minor offences cases				

**Comment :**

In civil and commercial cases, civil appeals before the Provincial courts and special appeals before the Labour chambers of the High Courts of Justice have been taken into account.

**93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 88.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	41979	24620	30357	38319
1 Civil (and commercial) litigious cases*	27251	16643	21157	24889
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases	9	4	9	4
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	14719	7973	9191	13426
7 Other				

Total criminal cases (8+9)	1938	4470	3703	2705
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

Comment :

Cases corresponding to the Military and special chambers of the Supreme Court have been included in the figures for civil and commercial cases and enforcement.

**94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	34451	47980	46293	34589
Employment dismissal cases*	14373	102925	82854	29450
Robbery cases	NA	87324	NA	NA
Intentional homicide	NA	109	NA	NA

**95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 92:**

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NA	NA	261	NA	NA
Employment dismissal cases*	NA	NA	84	NA	NA
Robbery cases	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA

Comment :

**96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:**

**97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.**

As direct data on length of proceedings is not available, it is calculated in accordance to a mathematical model that takes into account the number of incoming, pending and solved cases at the end of each year and gives an estimate of the average length of cases that are filed each year.

**98) Please describe the role and powers of the prosecutor in the criminal procedure**

**(multiple options are possible):**

- to conduct or supervise police investigation
- to conduct investigation
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to end the case by dropping it without the need for a judicial decision
- to end the case by imposing or negotiating a penalty without a judicial decision
- other significant powers

Please specify:

Some of the previous questions require a more detail explanation of our criminal procedural law:

- Conduct or supervise police investigation. In Spain the police is in charge of investigations that precede judicial proceedings. In principle the police has autonomous investigative powers though such activity can be supervised by the judge or public prosecutor if they consider it necessary. The Judicial Police depends on the judge or prosecutor who leads the investigations.
- Conduct investigations. Public Prosecutors have investigative powers which are previous to and independent from judicial proceedings. In these investigative proceedings, the public prosecutor may carry out or order the Judicial Police to carry out any type of relevant proceedings except measures restricting rights (search of homes, interception of communications). The prosecutor shall file the investigation if he finds no grounds for action, or shall proceed to bring the affair to court by formulating for that purpose the proper complaint or charge, should the investigation reveal evidence of facts of criminal significance.
- To charge. In Spain the public prosecutor defends legality. Together with the public prosecutor, there are other parties who can bring charges in criminal proceedings (the private and popular prosecution). On the other hand, the Prosecutor is not obliged to charge if he considers the facts have no criminal significance or if he understands there is not enough evidence against a concrete defendant. In these cases should any of the other parties bring charges, the Public prosecutor would act as a defence attorney and claim for the acquittal during the trial.

**99) Does the prosecutor also have a role in civil and/or administrative cases?**

- Yes
- No

Please specify:

The Prosecutor participates in such civil actions as determined by law, when the interest of society is involved of when minors or incapacitated or handicapped persons are affected. In this sense, as regards civil proceedings he takes part in:

- Incapacitating proceedings. In defense of legality and public interest. Can visit closed establishments.
- Marriage annulment, in defence of legality and public and social interest.
- Divorce proceedings, where they affect minors, incapacitated or absent persons.
- Proceedings for determining or annulling filial relationships.
- Civil proceedings related to violation of fundamental rights, generally vthe right of honour, privacy and own image.

Regarding administrative cases, he generally intervenes in defense of legality or fundamental rights to:

- Give opinions in matters of jurisdiction and competence between administrative organs
- Appeal in the interest of the law
- Act in proceedings for the protection of fundamental rights against acts by Public Administrations

**100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:**

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	4460666	2320630	408488	NA	NA	284078

Comment :

It is not possible to answer with statistical data without providing additional information:

In Spain the investigative phase of criminal proceedings corresponds to the Investigating Judge.

Therefore the figures given in the table, following the criteria used also in the 2004/2006 version of the report, refer to criminal cases received, discontinued and charged in Courts.

It is also important to indicate that the offences "charged by the public prosecutor" do not only refer to cases filed in 2008, but also include previous years. There are no statistics about the number of cases filed and charged per year.

Because the principle of opportunity is not applicable in Spain to criminal proceedings, there are no cases discontinued for reason of opportunity. Regarding cases of negotiated penalty, they must always conclude by a judicial ruling. The Public Prosecutor cannot impose penalties.

Therefore we add a second statistic, which specifically refers to investigative proceedings received and handled exclusively by the Prosecution Office (previous to and independently from judicial proceedings).

Statistic of investigative proceedings by the Public Prosecutor

Received by the Public Prosecutor: 13775

Discontinued by the Public Prosecutor: 6175

Brought to Court by formulating the appropriate claim: 6356

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

A prolonged strike of court staff affected the performance of Spanish courts during 2008 and should be taken into account when interpreting data provided in this chapter. In particular the strike affected 10.679 members of court staff (which represents a participation of 40'37%) and lasted from the 4th February until the 4th April 2008.

**Please indicate the sources for answering the questions 90 to 95 and 100:**

Q90-95 General Council of the Judiciary

Q100 Source General Prosecution Office

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

#### 5. 1. 1. Recruitment, nomination and promotion

##### 101) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

##### 102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of judges only?
- An authority composed of non-judges only?
- An authority composed of judges and non-judges?

##### 103) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:  
The General Council for the Judiciary

##### 104) Which procedures and criteria are used for promoting judges? Please specify.

Promotion takes place due to seniority, after having effectively served at least 3 years as a judge, or by sitting specialisation exams/selection procedures, after at least 2 years of effective services as judges. Such exams/procedures aim at appreciating the capacity and legal knowledge of candidates and their proficiency in the relevant law fields or their knowledge in issues relevant to each jurisdiction. They can consist in following training courses, drafting opinions and resolutions that have to be defended in front of a jury, oral presentations of legal issues before the Tribunal, etc.

##### 105) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:



**106) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

- An authority composed of prosecutors only?
- An authority composed of non-prosecutors only?
- An authority composed of prosecutors and non-prosecutors?

**107) Is the same authority formally responsible for the promotion of prosecutors?**

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors:  
Ministry of Justice at the proposal of the Attorney General

**108) Which procedures and criteria are used for promoting prosecutors? Please specify:**

Promotion form 3rd (initial) to 2nd category is automatic and based on seniority.  
Promotion to 1st category requires appointment by the Ministry of Justice at the proposal of the Attorney General, after a merit competition amongst prosecutors with 20 years of service.

**109) Is the mandate given for an undetermined period for judges?**

- Yes
- No

Are there exceptions? Please specify:

**110) Is there a probation period for judges? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for judges	X	2

**111) Is the mandate given for an undetermined period for prosecutors?**

- Yes
- No

Are there exceptions? Please specify:

**112) Is there a probation period for prosecutors? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for prosecutors	X	0.75

**113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?**

**Please specify the length**

for judges?  Yes

for prosecutors?  Yes

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**  
 **the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years**

The recruitment of Judges and Prosecutors currently takes place through common competitive exams. The period indicated as "probation period" corresponds to the initial training for successful candidates in the competition, after which those who also successfully complete their training can officially take up their duties as judges/prosecutors.

5. 1. 2. Training

**114) Nature of the training of judges. Is it compulsory?**

- Initial training  
 General in-service training  
 In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)  
 In-service training for management functions of the court (e.g. court president)  
 In-service training for the use of computer facilities in the court

**115) Frequency of the training of judges**

	Annual	Regular	Occasional
Initial training	No	No	Yes
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	Yes	No
In-service training for management functions of the court (e.g. court president)	No	No	No
In-service training for the use of computer facilities in the court	No	Yes	No

**116) Nature of the training of prosecutors. Is it compulsory?**

- Initial training  
 General in-service training  
 Specialised in-service training (specialised public prosecutor)  
 In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)

In-service training for the use of computer facilities in the public prosecution service)

### 117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	No	No	Yes
General in-service training	No	Yes	No
Specialised in-service training (specialised public prosecutor)	No	Yes	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	No
In-service training for the use of computer facilities in the public prosecution service)	No	Yes	No

#### You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

Except initial training, the rest of training courses are not compulsory, but there are regular training courses in which judges and prosecutors can take part voluntarily and which count with a high participation level.

## 5. 2. Practice of the profession

### 5. 2. 1. Salaries

**118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 118:**

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	49302.68	
Judge of the Supreme Court or the Highest Appellate Court	137810.14	
Public prosecutor at the beginning of his/her career	49302.68	
Public prosecutor of the Supreme Court or the Highest Appellate Instance	137810.14	

#### Comment :

Data refers to 2008. The salaries of Prosecutors of Supreme Courts refer to those in the 1st Category. It is not possible to give a single net annual salary as it varies according to the individually applicable

tax rate.

**119) Do judges and public prosecutors have additional benefits?**

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

**120) If other financial benefit, please specify:**

They may benefit from housing facilities in certain territories, in the same way as the rest of Public Servants. Such benefits therefore vary according to the territory where they carry out their functions (Canary Islands, Ceuta, Melilla, Basque country, etc). There is also the possibility that they are selected for they merits to continue their functions after the general retirement age.

**121) Can judges combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	Yes	No	No
Other function	No	No	No

**122) If other function, please specify:**

**123) Can prosecutors combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	Yes	No	No
Other function	No	No	No

**124) If other function, please specify:**

**125) Do judges receive bonus based on the fulfilment of quantitative objectives relating**

**to the delivering of judgments?** Yes No

If yes, please specify:

A variable productivity bonus linked to reaching objectives.

**Please indicate the source for answering the question 118**

Resolution of 2 January 2008, Secretary of State of Taxation and Budget, on instructions regarding the salaries of public officials.

## 5. 2. 2. Disciplinary procedures

**126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

Against judges the General Council of the Judiciary.

Against prosecutors the corresponding Chief Prosecutor and the Prosecution Inspection Office.

**127) Which authority has the disciplinary power on judges and prosecutors? Please specify:**

Against judges the General Council of the Judiciary.

Against prosecutors, depending on the seriousness of the penalty that corresponds to the sanction, the Ministry of Justice, the Attorney General or the corresponding Chief Prosecutor. Indeed, as a general rule disciplinary powers correspond to Chief Prosecutors and the Inspection Office, but who imposes the sanction depends on the seriousness of the case and the sanction imposed. When the sanction is reprimand, competence corresponds to the relevant Chief Prosecutor. To impose the rest of sanctions including suspension, the Attorney General. To impose separation of the service (dismissal) the Minister of Justice at the proposal of the Attorney General and with a previous report of the Public Prosecutor's Council.

**128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.****Please provide comments to explain the answers to question 128:**

	Judges	Prosecutors
Total number (1+2+3+4)	45	3
1. Breach of professional ethics	7	
2. Professional inadequacy	31	3
3. Criminal offence	1	
4. Other	6	

Comment :

**129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 129**

	Judges	Prosecutors
Total number (total 1 to 9)	28	3
1. Reprimand	5	
2. Suspension	2	1
3. Withdrawal of cases		
4. Fine	21	2
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

Comment :

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

## 6. Lawyers

### 6. 1. Statute of the profession

#### 6. 1. 1. Profession

**130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).**

120691

**131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.**

- Yes
- No
- Not applicable

**132) Number of legal advisors. If there is no data available, please indicate it (NA)**

NA

**133) Do lawyers have a monopoly of representation in (multiple options are possible):**

- Civil cases\*?
- Criminal cases - Defendant\*?
- Criminal cases - Victim\*?
- Administrative cases\*?

\* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

No to all the above

**134) Is the lawyer profession organised through?**

- a national bar?
- a regional bar?
- a local bar?

Please specify:

At National level: CGAE General Council of Bar Associations

At Regional level (Autonomous Communities): Autonomous Council of Bar Associations

At Local level: Bar Associations

**Please indicate the source for answering the questions 130 and 132:**

CGAE General Council of Bar Associations

The reference date for the number of lawyers is 31st December 2008.

### 6. 1. 2. Training

**135) Is there a specific initial training and/or examination to enter the profession of lawyer?**

Yes

No

**136) Is there a mandatory general system for lawyers requiring continuing professional training?**

Yes

No

**137) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?**

Yes

No

If yes, please specify:

### 6. 1. 3. Fees

**138) Can users establish easily what the lawyers' fees will be?**

Yes

No

Please provide comments to explain the answer under question 138  
Through the command sheet and the Orientative Rules of the Bar.

**139) Are lawyers fees**

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:  
Freely negotiated though the Bars provide for orientative rules.

## 6. 2. Evaluation

### 6. 2. 1. Complaints and sanctions

**140) Have quality standards been formulated for lawyers?**

Yes

No



**141) If yes, who is responsible for formulating these quality standards:**

- the bar association?  
 the legislature?  
 other?

Please specify (including a description of the quality criteria used):

The General Bar (CGAE) and the individual Bar associations are responsible for setting up quality standards.

Legal provisions which refer to quality in the exercise of the profession can be found in the General Statute of Spanish Lawyers (adopted by Royal Decree 658/2001 of 22nd July) and the Deontological Code adopted by the General Bar the 27 september 2002.

It is also worth mentioning that the CGAE participated actively in the elaboration of the norm UNE 66929:2003 Quality management systems. Guide for the application of the UNE-EN ISO 9001:2000 norm in professional legal, economic and/or tax offices.

**142) Is it possible to complain about**

- the performance of lawyers?  
 the amount of fees?

Please specify:

Both professional misconduct and cases of excessive or undue fees entail disciplinary sanctions.

**143) Which authority is responsible for disciplinary procedures**

- the judge?  
 the Ministry of justice?  
 a professional authority or other?

Please specify:

The Governing Board of the Bars, through their deontologic and disciplinary committees.

**144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 141:**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	NA	NA	NA	NA

Comment :

**145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 145:**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	NA	NA	NA	NA	NA

**Comment :**

The General Council of Spanish Bar Associations does not keep a register of the number of disciplinary proceedings opened against lawyers in the different Bars, but it does keep track of the sanctions Bars impose to lawyers. In this sense the number of sanctions imposed in the last 5 years is 2720.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years**

The number of practising lawyers refers to the 31st december 2008.

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation

**146) Does the legal system provide for mediation procedures? If no go to question 151**

Yes

No

**147) If applicable, please specify, by type of cases, the organisation of mediation**

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	No	No	Yes	No	No
Family law cases (ex. Divorce)	No	No	Yes	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	Yes	Yes	No
Criminal cases	No	No	No	No	No

**148) Is there a possibility to receive legal aid for mediation procedures?**

Yes

No

If yes, please specify:

As for any other step of the judicial proceedings.

**149) Number of accredited mediators. If there is no data available, please indicate it (NA)**

NA

**150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

civil cases?	NA
family cases?	NA
administrative cases?	NA
employment dismissals?	NA
criminal cases?	NA

**Please indicate the source for answering the question 150:**

#### 7. 1. 2. Other forms of alternative dispute resolution

**151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:**

Arbitration is provided for in the Spanish System as an alternative to judicial means, in matters that are disposable to the parties (ie.commercial disputes). Its regulation is laid out in the Arbitration Act of 2003.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

Accredited mediators are: public bodies through conciliation and arbitration in the field of consumers and social law and through mediation techniques in family law.

A legislative package including a preliminary draft law on mediation and a reform of the Arbitration Act was adopted by the Council of Ministers in February 2010 and will now have to follow the rest of the legislative procedure.

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

**152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154**

- Yes  
 No

**153) Number of enforcement agents. If there is no data available, please indicate it (NA).**

NAP

**154) Are enforcement agents (multiple options are possible):**

- judges?  
 bailiff practising as private profession ruled by public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

In the Spanish system there are no enforcement agents for the execution of court decisions, as the responsibility for the execution corresponds to judges themselves. Only in very exceptional cases do solicitors play a role in execution. Therefore most questions in this section are not applicable.

**155) Is there a specific initial training or examination to enter the profession of enforcement agent?**

- Yes  
 No  
 Not applicable

**156) Is the profession of enforcement agent organised by?**

- a national body?  
 a regional body?  
 a local body?  
 not applicable

**157) Can users establish easily what the fees of the enforcement agents will be?**

- Yes  
 No  
 Not applicable

**158) Are enforcement fees:**

- regulated by law?
- freely negotiated?
- not applicable

**Please indicate the source for answering the question 153:**

8. 1. 2. Supervision

**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes
- No
- Not applicable

**160) Which authority is responsible for the supervision and the control of enforcement agents:**

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Please specify:

**161) Have quality standards been formulated for enforcement agents?**

- Yes
- No
- Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

**162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?**

- Yes
- No

if yes, please specify

**163) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

**8. 1. 3. Complaints and sanctions****164) What are the main complaints of 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:

**165) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

- Yes  
 No

If yes, please specify:

Certain courts have been specialized and exclusively deal with enforcement.

**166) Is there a system measuring the timeframes of the enforcement of decisions :**

- for civil cases?  
 for administrative cases?

**167) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court sits:**

- between 1 and 5 days  
 between 6 and 10 days  
 between 11 and 30 days  
 more

If more, please specify

**168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of disciplinary proceedings	NAP
for breach of professional ethics	NAP
for professional inadequacy	NAP
for criminal offence	NAP
Other	NAP

**169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of sanctions	NAP
Reprimand	NAP
Suspension	NAP
Dismissal	NAP
Fine	NAP
Other	NAP

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

**Please indicate the source for answering the questions 167, 168 and 169:**

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

**170) Is there a judge who is in charge of the enforcement of judgments?**

- Yes  
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

In principle, the criminal court which pronounces the conviction is in charge of its enforcement. However when the penalty implies an actual deprivation of liberty there are special prison courts (Juzgados de Vigilancia Penitenciaria) with control functions as regards the execution of the penalty and the rights of prisoners.

**171) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

- Yes



No

If yes, please specify:

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functioning

**172) Do you have notaries in your country? If no go to question 177**

- Yes  
 No

**173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):**

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input type="checkbox"/> number	
a public one?	<input type="checkbox"/> number	
other?	<input checked="" type="checkbox"/> number	3212

Comment :

Reference date was the 31st January 2008.

**174) Do notaries have duties:**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to authenticate legal deeds?  
 other?

Please specify:

Notaries give public effectiveness to all sorts of extra-judicial transactions or private acts. They act therefore in different areas

- facts, authenticating factual situations (giving faith officially authenticated records)
- civil and commercial contracts (giving them executive or declarative effect in proceedings)
- property, by means of the instrumental "tradition" (legal possession) as the documents a notary authorises can convey property and other real rights if the rest of necessary contractual requisites apply
- in the personal sphere, they also intervene in family acts and inheritance law

**Please indicate the source for answering the question 173**

Directorate General of Registers and Notaries

#### 9. 1. 2. Supervision

**175) Is there an authority entrusted with the supervision and the control of the notaries?**

- Yes

No

**176) Which authority is responsible for the supervision and the control of the notaries:**

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?
- not applicable

Please specify:

Inspection and control of their activity depends on the Directorate General of Registers and Notaries under the Secretary of State for Justice in the Ministry of Justice.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

The organisation and geographical distribution of Notaries is laid down by the Spanish government by means of

a Royal Decree (a regulatory provision adopted in the Council of Ministers).

The number of posts, investiture, age of compulsory retirement (currently 70) is also governmental.

Access to the profession is achieved through a public competition open to any EU citizen with a recognised

bachelors diploma in Law.

Salaries are fixed by the State and at the same time their activity generates no responsibility for the State

neither does it imply any cost.

Ownership of the "protocols"-set of documents authorised by notaries- corresponds to the State.

## 10. Court interpreters

### 10. 1. function

#### 10. 1. 1. Statute

**177) Is the title of court interpreter protected?**

- Yes  
 No

**178) Is the function of court interpreter regulated?**

- Yes  
 No

**179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations**

NA

**180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?**

- Yes  
 No

If yes, please specify:

**181) Are the courts responsible for the selection of court interpreters?**

- Yes  
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

Court interpreters do not have a protected title, the general education diploma is enough to access the profession as personnel. Their function is regulated in articles 440-441 of the Criminal Procedural Law.

Those Autonomous Communities with competences in administration of justice also have full competences regarding Court Interpreters. The current number of posts for translators/court interpreters in the field of the Ministry of Justice is 55.

The Courts are not responsible for the selection of court interpreters. In the territory of the Ministry of Justice, the translators/interpreters who work in Courts can be either personnel contracted by the Ministry of external professionals.

Regarding Ministry personnel one can distinguish between permanent and temporary posts. Permanent personnel is appointed through open competitions that include direct and inverse translation exercises. These are presented before a jury who can then assess the candidate's oral skills. Temporary personnel is appointed through Public Labour Services, taking into account the accredited merits of the candidate.

In cases where it is not possible to be assisted by them or when a different language is required, recourse is made to external professionals who accredit a knowledge of the language. Usually contracts are established with private companies that can provide such professionals.

## 11. Functioning of justice

### 11. 1. Foreseen reforms

#### 11. 1. 1. Reforms

**182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:**

During the 8th legislature, budgetary increases have been steadily maintained, in order to allow for further steps in the process of modernizing the justice system. In particular and for the reference year of the questionnaire, (2008), appropriations for Justice increased by 9.76% in comparison to the previous year. The percentage is even more significant if one considers that the advances in the process of transferring competences in justice administration to the Autonomous Communities (CCAA) implies they contribute with an increased percentage to the Administration of Justice in their territory.

In the same line, the number of courts has increased. In 2008, 160 new judicial units were created. If we add them to the 150 courts created in 2009 and those foreseen for the 2010-2012 period, an additional number of 910 judicial units will have been created by the end of the period, which means a 19% increase in the judicial map.

The number of judicial posts (judges and prosecutors) have also been increased to reach 1,000 new posts over the legislature (2004-2008). This effort will continue. 750 new posts for judges (250 per year) are foreseen until 2012. 450 new posts for prosecutors and 800 for Secretarios Judiciales (Rechtspfleger) will also be created. This represents a 17% increase in posts for judges, 20% for prosecutors and 20% for Secretarios (Rechtspfleger). As a whole, this represents 2,000 new posts for public servants in the justice system.

In any case, the increase in litigation persists and corresponds to the increased complexity of advanced societies and the globalization process. This is why the current reforms of the justice system imply a comprehensive reorganization of the system. This reorganization has been reflected in the Strategic Plan for Modernization of the Justice System 2009-2012 adopted on 18 September 2009. This document brings together a series of legislative reforms, organizational changes and technological improvements that the Ministry will develop over the next three years.

The Strategic Plan comprises 147 concrete measures articulated in 6 strategic pillars and is structured in 3 main policies : Modernization policy, Protection and Transparency and Cooperation policies.

The Plan includes a clearly defined timetable for implementation, which will be detailed in the successive annual operational plans. Among the main actions of the plan, those relating to the impulse of the new judicial office can be highlighted as the basis of the modernization process. Important progress has already been made in this field. With the support of all parliamentary groups Law 13/2009 of Procedural Law Reform for the implementation of the new judicial office and the Organic Law 1 / 2009, supplementing the former, have been approved . The new judicial office represents a true conversion of the justice system, a complete transformation in the organization and functioning of the courts that will make them evolve from a structure largely inherited from the nineteenth century to a modern and efficient one.

Alongside direct support units for individual judges, the new structure includes common services specializing in different areas of procedural management (case-management, service of documents, enforcement) that will jointly serve several courts. Better use is made of highly skilled professionals like Secretarios Judiciales (Rechtspfleger) to whom tasks and responsibilities in the direction of the new office are attributed, therefore easing judges from non-judicial functions and allowing them to focus in their constitutional functions of judging and ensuring the execution of judgments. As soon as the reform enters into force, on 4 May 2010, the new "judicial office" will be set up in the cities of Burgos, Caceres, Ciudad Real, Logroño, Palma de Mallorca and Murcia. After this first phase it will be gradually implemented throughout the

country. Currently, case-management systems are being adjusted to the new procedural laws.

Various measures are underway to interconnect the different organs and institutions of the justice system. Within this area the development during 2010 of SIRAJ, (Integrated System of Administrative records to support judicial activity) should be mentioned. This is an application that provides a single method for data input on criminal justice matters. In the same line, the development of a centralized case information system for the General Prosecution Office (SICC) is also foreseen.

In addition, there has been a continuous expansion and improvement of Lexnet: an IT system that facilitates communications between judicial authorities and legal actors that interact with them (prosecutors, solicitors, social graduates, etc.). By 31st January 2010 the degree of implementation is foreseen to reach 93.94% in the Ministry's territorial area, 96.68% in the provincial capitals and 88.26% locally.

Amongst modernization actions one can highlight the Civil Register of Services which is a profound change in the current model of civil register in force since 1957. It aims at creating a modern civil register, which is fast, accessible, as well as unified for all the Spanish, by using new technologies and tailoring it to citizen's needs. The physical log books are replaced by a common electronic database, so that any citizen can consult it on-line through the Internet or do the necessary paperwork in any of its offices.

Together with technological advances and modernization another main pillar of the Strategic Plan is protection and transparency. Accordingly, the Plan includes: Strengthening the promotion and protection of individual rights, improving the legal aid system, developing new mechanisms for alternative dispute resolution, promoting the Bill of Citizen's Right before the Justice Administration, and improving protection and assistance to victims.