



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

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 (if possible on 1 January 2013)

46 006 414

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	480 111 000 000
Regional / federal entity level (total for all regions / federal entities)	NA

3) Per capita GDP (in €)

22 300

4) Average gross annual salary (in €)

22 899

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

A1. 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 on 1 January 2013

Q2 Source Eurostat. Government Finance Statistics, Consolidates General Government. Expenditure at state level includes central, state and local government and social security funds.

Source OECD. General Government expenditure by function. 2011 figures for expenditure of the general government sectors and its subsectors:

-General government: 480111000000

-Central government: 210126000000

-Local government: 72428000000

-Social security: 158633000000

Q.3 Source Eurostat. GDP in current prices. 22300 (euro per inhabitant)

Q.4 Source National Institute of Statistics. Data of the average gross annual salary is available in 2011: 22 899,35 euros

1. 1. 2. Budgetary data concerning judicial system

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	1 241 560 960
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	1 006 059 080
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	45 277 000
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.		NA
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	45 058 050
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	18 275 620

6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	2 743 370
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	124 147 840

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

In 2010 the budget allocated to the functioning of all courts did not separate the budget of public prosecution services. Since the reform of the Organic Statute of the Prosecutor Service (Estatuto Orgánico del Ministerio Fiscal) in 2007, a single budget was foreseen for the Prosecutor Office and for the Prosecutors' service. However until 2011 it was not possible to allocate separate budgets.

For instance, in 2012 the public budget allocated to the functioning of all courts separates the budget for the functioning of all courts from the budget of legal aid and the budget of prosecution services.

8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

The Law 10/2012 of 20 November of Justice administration and toxicologic and forensic science fees, rules that parties have to pay a fee to start a proceeding in civil, contentious-administrative and labour cases.

Law provides objective and subjective exemptions.

Objective exemptions regarding capacity, civil status, family and minors procedures; protection on fundamental rights, procedures against electoral administration; debt petitioner, commercial matters (concurso voluntario); claims on the defense of their statutory rights of the civil servants; initial claims of monitory procedure, administrative-contentious appeals when the claim is the silence of the administration.

Subjectives examples regarding the right of legal aid for natural persons, Public Prosecutors, state and autonomous public administration and its public entities, and for autonomous legislative assemblies.

8.1) Please briefly present the methodology of calculation of courts fees?

The new Law 10/2012, of 20 November of Justice Administration and Toxicologic and forensic science fees, sets the fee sum. The fee sum depends whether it is a civil, contentious-administrative or labour matter. The quantity of the fee depends as well on the type of procedure in each jurisdiction.

For example in civil jurisdiction, the sum fee is 150 euros for the oral trial and 300 euros for the ordinary trial.

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

The Civil Procedure Code 1/2000 of 7 of January of 2000, in article 250 states that the action for debt recoveries under 6000 euros is ruled by an oral trial. Due to article 7 of the Law 10/2012 of 20 November of Justice administration and toxicologic and forensic science fees, the sum of court fees to begin an oral trial is 150 euros.

9) Annual income of court taxes or fees received by the State (in €)

171 689 715

12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	36890711,33
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA

12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA
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Comment :

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .

Amount 211 352 960

Comment :

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

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

14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

At this question is needed a brief description about the territorial organisation of Spain to identify the bodies involved in the budgetary process.

Spain has a decentralized administrative structure divided into 17 Autonomous Regions and 2 autonomous cities, with wide legislative and executive powers, their own legislative assemblies and governing councils. The distribution of powers may be different among the regions, as laid out in their Statutes of Autonomy.

The State is gradually transferring competences in the field of the administration of justice with the appropriate financial means to the Autonomous Regions, except for matters related to national corps (judges, prosecutors and secretarios judiciales/judicial secretaries). The State still holds powers in matters of justice in the Autonomous Regions where competences have not been transferred.

Consequently, the budget allocated to courts within the scope of the Ministry of Justice is prepared by the Ministry itself, adopted by the Parliament, managed by the Ministry and lastly evaluated by the Parliament. In the Autonomous Regions holding powers in matters of justice, the role of the Ministry of Justice and the Parliament is played by the regional ministries and assemblies respectively.

A.2 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

mail 22/5/14: The budgetary data concerning annual approved public budget allocated to the functioning of all courts in 2012 is lower than the budgetary of 2010 due to the following reasons:

-In 2012, data are related only to the Ministry of Justice, excluding the global data related the General Council of the Judiciary and Autonomous Regions (included in 2010).

-In 2012, only public budgetary data related to courts are included, excluding Public Prosecutors. In 2012 there are separate budgets, unlike in 2010.

-At last, in 2010 all the justice policy programs related to Ministry of Justice competence were taken into count, while in 2012, as there are separate budgets, only data related to court programs have been taken into count.

mail CN 22/1/14: The data for 2012 regarding the functioning of all courts shows a reduction compared with 2010 data, this is due to the following:

*In 2012 is included the data related to the Ministry of Justice, it has nor been included data related to the budgetary

of the Council General of the Judiciary either the Autonomous Communities.

* Since 2010 the budget allocated to the functioning of all courts separates Prosecution Office budget.

The main characteristic of our budgetary system is based in the territorial organisation, Spain is divided in 17 Autonomous Regions and 2 Autonomous Cities, with competence in the field of administration of justice and financial means, wich means that in the Autonomous Regions holding powers in matters of justice, the role of the Ministry of Justice and the Parliament is played by the regional ministries and regional assemblies.

Please indicate the sources for answering questions 6, 9, 12 and 13.

Q. 6. 9.12 and 13. Ministry of Justice. General Directorate for Relations with the Justice Administration.

1. 1. 3. Budgetary data concerning the whole justice system

15) The following data would be useful for information

15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

4111000000

15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	No
Probation services	Yes
Council of the judiciary	Yes
Constitutional court	No
Judicial management body	Yes
State advocacy	Yes
Enforcement services	No
Notariat	No
Forensic services	Yes
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	Yes

Comment :

As "other" budgetary elements included in the whole justice system:

Compensation to peace judges (jueces de paz): 2 107 761 €

Compensation to Psychologist 560 610 €

Transferences to Autonomous Regions: 3 527 352, 85 €

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

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

17) Does legal aid include the coverage of or the exemption from court fees?

- Yes
 No

If yes, please specify:

Article 6 of the Act on Legal Aid of 10 of January of 1996, has been modified by the Real Decree-Law 3/2013 of 22 of February. Through this new regulation, the content of the benefit of legal aid includes the exemption from payment of the court fees.

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

- Yes
 No

If yes, please specify:

In accordance to article 7 of the Act on Legal Aid, the coverage of legal aid is for all the stages of legal proceedings, including lodging of appeals and enforcement.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
Yes	Yes

Comment :

Accordingly to article 6 of the Act on Legal Aid, people granted legal aid do not have to pay the following costs:

- Costs of publishing announcements in official journals
- Experts fees
- Insurance fees
- Obtention of documentary copies and other legal documents for which notary is required.

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

In 2012, 662 434 applications reached legal aid, the data does not separate cases brought or not brought to court.

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
NA

Comment :

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

Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

The Criminal Procedure Act, in addition to the Act on Legal Aid, guarantees the right to a defence from the very first moment of the detention and in all cases.

Moreover, is recognized the right of legal aid to the victims of gender violence, terrorism, treat of human beings, in those proceedings that directly or indirectly arise from the situation caused by that condition and to minors and disabilities when they are victims of abuses. Such benefit shall also apply to the heirs in the case of death of the victim.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

- Yes
 No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	14910,28	NA
for other than criminal cases?	14910,28	NA

Comment :

Legal aid will be granted for individuals when non having enough assests, and can demonstrate that their resources and gross income, calculated annually for all the concepts and per familiy unit, do not exceed double the Public Index of Multiple Purpose Income (IPREM), in effect at the time of application (the IPREM of 2012 is 7455,14 euros).

There are exemptions for natural persons based on family circumstances of the aplicant,court fees, cost of the procedure, cases of disabilities and/or health circumstances.

Legal persons can be granted legal aid if their calculated contability annually is lower than the amount wich is equivalent three times the annual calculation for the Public Index of Multiple Purpose Income (IPREM).

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- Yes
 No

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

If the Bar Association considers that the applicant does not fulfill the basic requirements, or that the main claim of the application is manifestly unsustainable or groundless, it shall notify the applicant within the term of five days that it has not performed the provisional appointment of a solicitor and it shall convey the application to the Legal Aid Commission. The relevant dossier and provisional appointments made shall be notified to the Legal Aid Commission within the term of three days, for it to verify and resolve upon. If the Bar Association does not hand down any resolution at all within the term of fifteen days, the applicant may repeat the application before the Legal Aid Commission, which shall immediately obtain the dossier from the Law Society and order, at the same time, the provisional appointment of a solicitor and barrister-at-law.

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

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

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

- Yes
- No

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

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1 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

The legal aid system in Spain is ruled by the Act on Legal Aid 1/1996 of 10 of January, over the last two years it was reformed by the Royal Decree 3/2013 of 22 of February. The aim of this new regulation is to reform the court fees in the justice administration related with the legal aid system. This reform settles the content of the benefit of legal aid including the exemption from payment of the court fees.

The spanish legal aid system is under a global proyect of reform. (See Q. 208)

Regarding Q. 25, the authority in charge to grant or refuse legal aid is the Legal Aid Comission, wich is set up in the capital of each provincia and in the two Autonomous Cities, Ceuta and Melilla.

Please indicate the sources for answering questions 20 and 23:

Q. 20.20.1. General Council of Bar Associations. CGAE.

Q. 23. Act on Legal Aid

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

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

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

legal texts (e.g. codes, laws, Yes [www. boe.es](http://www.boe.es);
www.justicia.gob.es;

regulations, etc.)? Internet address(es): www.cgae.es; www.fiscal.es

case-law of the higher court/s? Internet address(es): Yes www.poderjudicial.es; www.tribunalconstitucional.es

other documents (e.g. downloadable forms, online registration)? Internet address(es): Yes www.justicia.gob.es; www.poderjudicial.es;www.cgae.es

Comment :

The Ministry of Justice website is a secure site to carry out electronic procedures via electronic ID, electronic signature or agreed passwords. The website provides citizens information about court fees, courts, legal aid, the new judicial court. The most used formalities are related to obtain spanish nationality, marriage and birth certificates. Moreover, through the website, citizens can submit forms for certain administrative procedures via electronic signature and to check the status of the application. The website offers citizens information about the main law reforms the Ministry of Justice is carrying on. The General Council of the Judiciary's website provides citizens an online form to submit a claim, make a complaint or a suggestion about the functioning of justice administration.

The General Council of Bar Associations's website provides citizens information about calculation of court fees, moratory interest and compensations. The website has developed the link www.ventanillaunicaabogados.or for citizens and lawyers, accesible by electronic ID an digital certificate. The access provides information about the functioning of the Bars, procedures like applying for a discharge from a Bar, make a claim or a complaint against a lawyer or another bar.

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
- No
- Yes only in some specific situations

If yes only in some specific situations, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
- No

If yes, please specify:

The Regional Justice Department run Offices for Attention to Victims, wich provides information, mainly to victims of violent crimes and crimes against sexual freedom, about their rights, criminal actions, social assistance and free legal counsel and if they want to, they are accompanied in their assistance to court. Offices for Attention to Victims is a public and free of charge service.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

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

Comment :

31.1) Is it possible for minors to be a party to a judicial proceedings :

- Yes
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

Minors can be party to all the judicial proceedings through their legal representation, who can be held by either their parents or the legal minors' guardianship. Through the legal representation minors act in the judicial proceedings as if they were adults, and can reach the access to legal aid.
The Law 3/00 of 12 of January rule the criminal responsibility of minors (minors: between 14 and 18 years old), for criminal offences and misdemeanours committed by them and ruled in the criminal code and specific criminal regulation.

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

Victims of violent crimes and sexual offences have compensations for those kind of crimes, and the victims of certain offences as gender violence and terrorism too.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

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

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

Act 24/07 of 9 of October on the Organic Statute of the Prosecution Service, states in article 1, that the mission of the Prosecution service is to further justice in the defence of law and order, citizens' rights and the public interest protected under law, ex officio or at the request of the parties concerned, and safeguard the independence of the courts and advocate the social interest.

Through the Prosecution Service Instruction 8/05 related to the right of information in the access and protection of the victim in the criminal procedure, Prosecutors must inform the victim of their rights, means of assistance, the course of the proceeding and the final decision of the procedure, taking care specially to the victims of the criminal offences against life, sexual offences, gender violence, family offences, terrorism, and foreign citizens in Spain and on transit.

Eventhough the Prosecution Service Instruction 2/2008, about the Prosecutors' function during the instruction, among others highlight the protection of the victim before and during the criminal procedure.

The Law on Criminal Procedure rules that Prosecutor will assure for the protection of the victims' rights and those affected by the offences.

Besides, article 109 of the Criminal Code provides that the victim may opt to sue for civil liability before the Civil Jurisdiction. This option is one of the main characteristics of the Spanish criminal system: any offence entails both criminal and civil responsibility.

Regardless 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.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

Yes

No

NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

Only the investigating judge (juez de instruccion) can decide to discontinue a case as the authority in charge of criminal investigation. Should the judge decide to file a case, the victim has the right to appeal before a higher court under article 216 of the Criminal Procedure Code. If the prosecutor decides not to bring charges, the victim can exercise criminal actions and ask the judge to continue the case.

Where the public prosecutor has investigating powers to conduct investigations prior to judicial proceedings, he can decide to file the investigations. In that case, the victim has the right to reiterate his complaint before the investigating judge.

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

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

excessive length of proceedings?

non execution of court decisions?

wrongful arrest?

wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

The Spanish Constitution states in articles 106 and 121 that private parties have the right to be compensated for any damage they would suffer in their goods or rights, except in cases of force majeure, whenever the damages come from the functioning of the public services.

Moreover, the Organic Act of the Judiciary 6/1985 of 1 of July (Ley Orgánica del Poder Judicial) rules in articles 292-297 a system for users compensations. Private parties will have the right to compensation in cases of judicial error or wrongful functioning of justice administration, and in cases of wrongful imprisonment.

To demand compensation from the Ministry of Justice, the interested party has to submit a financial liability claim, applying the administrative procedure, reviewable in contentious administrative jurisdiction. Damages have to meet two requirements: firstly, they must be real, economically calculable and separate for a person or a group of people; secondly, there must be a direct, immediate and exclusive casual relationship between the action of the judicial body and the damage claimed. When claiming damages for judicial error, a judicial decision is first required that expressly recognises it. In any case, the right to claim compensation expires in one year from the moment the event that gave rise to the compensation occurred or the damaging effect was apparent.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (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 the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

Regarding the surveys aimed at judges, the Sociological Studies Department of the General Council of the Judiciary elaborates quality surveys aimed at judges, lawyers, and court users to assess the judicial activity and its evolution. The website is www.poderjudicial.es.

The General Council of Bar Association elaborates surveys aimed at lawyers and people who reached legal aid. Website of the General Council of Bar Association is: www.cgae.es (see. Q. 28)

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	Yes	Yes
Surveys at court level	Yes	No

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

- Yes
- No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	the complaint, to provide information on the follow-up to be given to the complaint, etc.)	complaint
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes

High Council of the Judiciary	Yes	Yes
Other external bodies (e.g. Ombudsman)	No	No

Comment :

Regarding complaints about the functioning of the courts, the General Council of the Judiciary acknowledges receipt in 48 hours and responds within a month. Those involving a disciplinary responsibility are recorded by the Inspection Service, that submits the corresponding proposals to the Disciplinary Committee so that it may open, where applicable, disciplinary proceedings and apply the relevant penalty to the judge or magistrate who has been liable for conduct subject to a punishment during the responsible exercise of his/her activity.

The Judicial Statistics Department of the Council elaborates an annual report ("Justice date to date"), which shows the state of Justice Administration giving information about key issues such as complaints (number of complaints, reasons, departments for which they are made). Annual information about complaints related to the Chapter of Rights of Citizens before Justice is also available on the Council's website.

In relation to complaints about the Ministry of Justice's administrative units, upon receipt of the complaint by the respective department, the citizen will be informed within a period of twenty days of the actions carried out, and the relevant measures are taken in six months time.

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

In 2012, there were 684 claims to the Ministry of Justice, of which 383 were about the functioning of the justice administration, 239 were for wrongful imprisonment, and 62 were of judicial error. During this period the amount paid by the liability claims is 4 773 074,82 euros.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	2349
42.2 First instance specialised Courts (legal entities)	1458
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	763

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	1458
Commercial courts (excluded insolvency courts)	65
Insolvency courts	NAP
Labour courts	345
Family courts	103
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	17
Fight against terrorism, organised crime and corruption	NA
Internet related disputes	NAP
Administrative courts	241
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	687

Comment :

Other first instance courts, with competence in concrete matters are:

380 Penal Courts

17 Penal Courts specialised in violence against women

106 Violence against women courts

82 Juvenile Courts

1 Juvenile Enforcement Courts

50 Prison Courts

9 Capacity courts

26 Civil Register Courts

8 Decanatos exclusive

4 Labour enforcement courts

4 Mortgage Courts

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

Yes

No

If yes, please specify:

There is under preparation two relevant legislative reforms:

- The reform of the Law of Demarcation and Judicial Plant 38/1988 of 28 of December (Ley de Demarcacion y Planta Judicial) whose aim is to reform the territorial competence of courts, among other objectives, this reform would imply an important reduction of judicial districts.
- The reform of the Organic Law of the Judiciary 6/85 of 1 of July (Ley Orgánica del Poder Judicial) in order to establish a new regulation of courts by the implementation of the "Instance Court" (tribunal de instancia), a new type of court by means of the merger of several one judge court on joint Court with several judges, wich will grant a specialised justice for every citizen, a more flexible distribution of the tasks and the concentration of the judges of the territory in only one court.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
a debt collection for small claims	1745
a dismissal	345
a robbery	1546

Please give the definition for small claims and indicate the monetary value of a small claim:

There are oral proceedings, small claims procedures up to 6000 euros.

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

Q. 42. Q. 43. Q.45. Ministry of Justice. General Directorate of Relations with Justice Administration. Deputy Directorate of Territorial Organization and Coordination of Justice Administration.

Also for Q. 45. Spanish information on the European Judicial Network for Civil and Commercial Matters http://ec.europa.eu/civiljustice/org_justice/org_justice_spa_en.htm).

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	5155	2565	2590	
1. Number of first instance professional judges	3647	1533	2114	
2. Number of second instance (court of appeal) professional judges	1431	964	467	
3. Number of supreme court professional judges	77	68	9	

Comment :

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	total	males	females	NAP
Total number of court presidents (1 + 2 + 3)	NA	NA	NA	
1. Number of first instance court presidents	NAP	NAP	NAP	
2. Number of second instance (court of appeal) court presidents				

	103	88	15	
3. Number of supreme court presidents	5	5	0	

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure NA
If possible, in full-time equivalent NA

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure Yes 7685

Comment :

There are 7685 so called "Peace Judges" (Jueces de Paz), non-professional judges, placed in each village where there are neither professional courts nor professional judges. They are competent to know of civil matters under 90 euros, are in charge of birth and death registrations in the Civil Register and to judge several misdemeanours.

Peace Judges (Jueces de Paz) are elected by the Municipal Councils and appointed by the Higher Courts of Justice for a period of four years, do not have a salary, but occasionally receive a compensation for certain activities.

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

- Yes
 No

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

Article 125 of the Spanish Constitution introduced the jury system in Spain. According to article 1 of Organic Law 5/1995, of 22 May, jury tries the following offences:

- Against the person
- Committed by public officials in the exercise of their duties
- Against liberty and security
- Arson

51) Number of citizens who were involved in such juries for the year of reference:

3231

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)

NAP

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal

Yes (among which women)

3 5 5 9 (2 3 2 3) 5 5
9 , a m o n g w i c h
2 3 2 3 a r e w o
m e n

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars

NAP

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and

NAP

budgetary management, training management)

- | | |
|--------------------------|-----|
| 4. Technical staff | NAP |
| 5. Other non-judge staff | NAP |

Comment :

The main tasks of the spanish non-judge staff do not coincide with the description given in the categories 2-5, for this reason it is not possible to give an answer.

Nevertheless spanish justice administration is provided with three categories of non judicial staff: Gestor Procesal, Tramitador Procesal and Auxilio Judicial.

mail 22/5/14:Spanish non-judge staff performs tasks that may be included in different categories or do not exactly coincide with the given description. For this reason, it is not possible to distribute them into these categories.

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

In Spain, the "Secretario Judicial" (Judicial Secretary) is a judicial authority as judges and prosecutors. Therefore, the post is not entirely traslatable to the German Rechtsflegler, English clerk o French greffier.

Secretarios Judiciales form a hierarchical body of national scope, highly skilled, dependant on the Ministry of Justice and on the Government Secretaries of each of the Higher Courts of Justice. The Organic Law of the Judiciary 6/85 and their own Organic regulation 1608/2005 of 30 of December, rule their status and functions. To qualify as Secretario Judicial, candidates must hold law degree and pass a public and competitive examination followed by a training course at the "Centro de Estudios Jurídicos" (Centre of Legal Studies).

Secretarios judiciales´ competences and duties, among others, are the following:

- To exercise the exclusive power of authenticate and certify judicial actions and resolutions
- To evaluate the adequacy of lawsuits, issue judicial orders and carry on the proceedings
- The control of proceedings, documents, records and files and to draw up the judicial statistics
- To carry out judicial resolutions, orders and rulings. This includes the orders assesing in relation to lawsuits and other parties claims. Final decisions on voluntary jurisdiction are also of his competence.
- To develop judicial control and decisions during the judgement enforcement. This includes inquiries and seizures of bank accounts and goods, and public auction of these when necessary.

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

Yes

No

If yes, please specify:

Some courts have delegated IT services, security, archives, cleaning and manteinance services.

C1 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 have been implemented over the last two years

Q.47. The answer to this question indicates the total number of posts filled at 31 of December 2012, first instance court is composed by a single judge, there are no presidents of firts instance courts. Regarding Q. 52. Furthermore, since 2010 new type of judicial entities have been put in place in several regions, Procedural Court Services (Servicios Comunes Procesales), these joint services implement judicial competences working for several courts (such as preliminary appraisal of lawsuits or supervision of judgement enforcement). Spanish Court Secretaries lead the Procedural Court Service on autonomous basis and can issue procedural orders to the proceedings. The Court Procedural services were implemented taking into account the Council of European Recommendation and applying principles of economies of scales and scope. The legal basis are on Organic Law 19/2003 and Act 13/2009 of 3 of November on reform of the procedural legislation for the implementation of the new judicial courts. Regarding Q. 53, for more information about the functions of Secretarios Judiciales,

<http://www.mjusticia.gob.es/cs/Satellite/es/1215197355992/EPublico/1215326600957/DetallePerfil.html>

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

Q.46.Q.47 and Q.49. Ministry of Justice. General Directorate of Relations with Justice Administration. Deputy Directorate of Territorial Organization and Coordination of Justice Administration. Q. 48. Ministry of Justice. General Directorate of Relations with Justice Administration. Deputy Directorate of Financial Resources of Justice Administration. Q. 52. Ministry of Justice. General Secretariat of Justice Administration.

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	2 445	925	1 520	
1. Number of prosecutors at first instance level	NA	NA	NA	
2. Number of prosecutors at second instance (court of appeal) level	NA	NA	NA	
3. Number of prosecutors at supreme court level	NA	NA	NA	

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	113	77	36	
1. Number of heads of prosecution offices at first instance level	NA	NA	NA	
2. Number of heads of prosecution offices at second instance (court of appeal) level	NA	NA	NA	
3. Number of heads of prosecution offices at supreme court level	7	5	2	

Comment :

Q56 : mail CN 9/4/14 : In 2010, the data provided for heads of prosecution at Supreme Court referred was to prosecutors, taking into account prosecutors as members of the Supreme Court, while 2012 data is ONLY referred to heads of Supreme Court, wich are 7.

57) Do other persons have similar duties to public prosecutors?

- Yes
 No
 NA

Number (full-time equivalent)

NA

58) If yes, please specify their title and function:

Substitute prosecutors who can act on a certain period of time, with same duties as prosecutors. Usually they substitute a prosecutor in cases like illness, maternity leave, and vacancy.

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

- Yes
 No

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number

 NA

2396

Among which women

 NA**C2 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 have been implemented over the last two years

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

Q. 55, 56 and 60. Public Prosecutor's Office

3. 1. 4. Management of the court budget

61) Who is entrusted with responsibilities related to the budget within the court?

If "other", please specify it in the "comment" box below.

	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

Comment :

This question is not applicable to the spanish judicial system as there is no public authority entrusted with such responsibilities.(see answer to question 14)

3. 1. 5. Use of Technologies in courts

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

Word processing	100% of courts
Electronic data base of caselaw	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	+50% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

	100% of courts
Website	100% of courts

Follow-up of cases online	-10% of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	-10% of courts
Electronic submission of claims	-10% of courts
Videoconferencing	+50% of courts
Other electronic communication facilities	+50% of courts

Comment :

-LEXNET, is a secure electronic telematic system that enables bidirectional communication between the courts and several legal actors in their exchange of documents, notices, letters or claims. The use of Lexnet enables secure communication with the guarantee of an electronic signature between the courts and professionals working for the justice system via a web application that is available for consultation 24 hours a day. Although, enables a significant saving in both time and money as it avoids printing documents and the human cost of sending them by post to the justice professionals. The latest version of this system enabled more than thirty million electronic notifications delivered in 2012, double the number of the previous year. More than 38,000 justice professionals use Lexnet as a means of communication with the courts and the various procedural management systems can also be inter-connected. Spanish Ministry of Justice and Lexnet system receive a special mention at the 6th "Crystal Scales of Justice" Award.

Spanish Ministry of Justice is working in collaboration with the General Council of Court Attorneys and the General Council of Bar Association on enabling the use of this system to present documents addressed to the courts. Wich it will contribute to a faster and more efficient judicial system in Spain.

-EJIS (Judicial Interoperability and Security Programme) is a platform that allows courts of law networking and finding out in real time the information regarding particular matters or persons. The implementation of both facilities is part of the Strategic Plan for Modernising the Justice System 2009-2012, whose aim is to achieve a flexible and efficient justice system.

-ELECTRONIC JUDICIAL FILE is a system for electronic processing of information generated during the transactions of judicial files. The Electronic Judicial File replaces the traditional dossier by its digital equivalent. It promotes the exchange of communication between the judiciary agencies and other institutions involved in the justice system.

-SIRAJ provides management of the different records through a single application. The system integrates the various court records, including the Central Record of Precautionary Measures, allowing simultaneous on-line consultation of the information contained in the Central Record of Convicts, Injunctions and Domestic Violence. Telematic communication with the judicial proceedings applications is provided, enabling users to maintain the information between their own applications and the centralized applications. SIRAJ interfaces with ECRIS system, which is part of an area of digital interconnection between the criminal records of the European Union. The main objective is to manage the interconnection to have information about crimes and criminal networks affecting several countries.

-The Spanish system of ELECTRONIC APOSTILLE is a Web application architecture that resides on centralized servers to issue and record e-Apostilles. The system follows the recommendations of HCCH and NNA and is framed as a pilot Electronic Apostille (e-APP) project.

-Spain co-participates in the European Case Law Identifier (ECLI) to facilitate the correct and unequivocal citation of judgments from European and national courts related to EU law.

Spain co-participates in the European e-CODEX project to exchange police and judicial information between judicial bodies of Europe.

The Loader System is an IT solution that enables Public Administration the telematic submission of the administrative files required by the High Court in the context of administrative proceedings.

The Electronic Judicial Headquarters, which is being developed on the Spanish Justice Administration Portal, is an entry point for citizens and professionals to the services provided by the different administrations with competence in Justice. It facilitates procedures through internet and constitutes the platform to access the applications and services of the Ministry of Justice.

- E-FIDELIUS is a secure recording system applied for hearings and trials by means of electronic signature used by many Courts in Spain. Parties and legal players can download the video recording files signed electronically by the Judicial Secretary from machine dispensers located at courts buildings. E-Fidelius is a EU funded project (FEDER).

Spanish Ministry of Justice is already working in order to allow downloading directly from Internet by means of special codes and passwords given to legal players.

Videorecording courtroom systems are geared to support communication between different agencies and professionals, using the latest technology. The digital recording of the hearings is integrated with the videoconferencing system.

65) The use of videoconferencing in the courts (details on question 63).

Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

The Criminal Procedure Code, through the reform made by Law 13/2003, rules the use of videoconferencing. Article 731.bis states that the court ex officio or ex-parte, may agree on appearance by videoconference to protect the party, especially if he is a minor, or for public order reasons.

Article 229. 3 of Organic Act on the Judiciary 6/1985, rules that statements, interviews, evidence, confrontation of witnesses, questioning, reports, ratification of expert opinions and proceedings can be conducted by videoconference, but this must be in the presence of the judge or court and in presence of, or, with the intervention of the parties. It can take the form of public proceedings, apart from exceptional cases. The restrictions on the type of evidence that can be obtained by videoconference concern fundamental rights or minors.

In accordance with article 147 of the Law on Civil Procedure 1/2000, oral proceedings, trials and hearings before the trial can be recorded on a suitable support designed to record and reproduce sound and image. All courts in Spain have audiovisual devices to record trials and hearings. The recordings are therefore stored for a certain period of time. Copies can be issued to the parties, at their expense.

The performance is conducted by the Secretario Judicial and it takes place in the context of a trial or hearing. Care must always be taken to ensure that there is two-way, simultaneous transmission of image and sound, as well as visual, auditory and verbal interaction between the persons who are in different geographical locations, and that it is possible at all times for each party to question and counter the other party's evidence, guaranteeing the right to a fair trial. Videoconferencing is available in all the jurisdictions.

C3 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 have been implemented over the last two years

The Ministry of Justice has the competence on systems of court management information and financial information. Regarding Q. 64, the facilities for the use of videoconferencing are more extended nowadays in the Spanish courts. Courts are extending the implementation of electronic submission of claims. Regarding Q. 64. Act on Civil Procedure Code 1/2000, sets the capacity and the obligation to record oral proceedings and judgments using computer systems. Act on the New Judicial Office 13/2009, allows the Secretario Judicial (Judicial Secretary) to be absent from the courtroom during the hearing or trial if there is a safe system to ensure the authenticity and integrity of recorded video. Act of use of ICT in Justice 18/2011, foresees the harmonious and widespread use of IT technologies in the justice administration.

3. 2. Monitoring and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

If yes, please indicate the name and the address of this institution:

National Judicial Statistics Commission. Ministry of Justice
 Judicial Statistics Department. General Council of the Judiciary

66.1) Does this institution publish statistics on the functioning of each court on the internet:

- Yes

No, only in an intranet website

No

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

Yes

No, only in an intranet website

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

number of incoming cases?

number of decisions delivered?

number of postponed cases?

length of proceedings (timeframes)?

other?

If other, please specify:

Number of enforcement procedures, number of decisions appealed, number of rogatory letters issued, received and resolved.

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

Yes

No

If yes, please specify:

The Inspection Service of the General Council of the Judiciary elaborates monitoring reports on the basis of the information provided by the Judicial Statistics Department, furthermore, data is provided every three months by the statistics elaborated by the Secretarios Judiciales of each court.

The information is mainly quantitative and based on procedural characteristics and its phases. The information provided by the statistics is also very useful to obtain data of the staff organization, staff movements, deposit accounts and appropriations.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

Yes

No

71) Please select the 4 main performance and quality indicators that have been defined:

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

percentage of cases that are processed by a single sitting judge

enforcement of penal decisions

satisfaction of court staff

- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
- No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the Ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- President of the court
- other

If other, please specify:

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
- No

75) Who is responsible for setting the targets for the courts?:

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

If other, please specify:

76) Please specify the main targets applied to the courts:

For each type or court is defined a type of dedication for each judge, by a system of point/hours calculated taking on count indicators for the different type of procedures.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other

If other, please specify :

The President of the High Court of Justice of the Autonomous Region is responsible as well for evaluating the performance of every court of their region.

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
 No

If yes, please specify:

National Quality Commission approved a quality system that has been implemented in the New Judicial Courts.

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
 No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?

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

81) Do you monitor waiting time during court procedures?

- Yes
 No

If yes, please specify:

The management information system used within the courts allows monitoring waiting time. Through the General Council of the Judiciary there are virtual inspections that are able to follow up timeframes of the procedures.

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
 No

Please specify the frequency of the evaluation:

The Inspection Service of the General Council of the Judiciary organises scheduled visits every six months and makes a report based on statistical data provided by courts, and makes virtual inspections through the website "punto neutro judicial" that are able to follow up the timeframes of the procedures.

Eventhough every three months, every Spanish court send statistical bulletin to the General Council of the Judiciary. The statistics contain the indicators already settled by the institution.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

The Spanish Public Prosecutor's Office elaborates an annual memory that is made public at the beginning of the judicial year and that is presented by the Public Prosecutor to the Parliament.

The Prosecutors Office and the High Courts of Justice elaborates an annual report of their territory, a copy of which is sent to the Government, Judicial Council and Legislative Assembly of the Autonomous Region and presented by the High Court Prosecutor before the latter.

C.4 You can indicate below:

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

The Statistic Service of the General Council of the Judiciary publishes an annual report "Justice data to data" (justicia dato a dato), which contains relevant information about financial budgetary, personal resources, case flow, among others.

Regarding Q. 67, the report is made every three months through an electronic statistical bulletin.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

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

NA

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

- Yes
 No

Number of successful challenges (in a year):

NA

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate 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

Please indicate the sources:

Q. 84 and 85. General Council of the Judiciary.

Q. 86. Ministry of Justice. General State Advocacy. Deputy Director of Constitutional and Human Rights. .

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

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?
 there is no specific procedure

If yes, please specify:

In civil cases, urgent measures' aim is to assure the right access to justice, when it is necessary to preserve evidence or when there is a risk of imminent or hardly repairable damage. In family matters the aim is to adopt certain measures before the final resolutions (e.x. care of the children) when the situation requires so.

88) Are there simplified procedures for:

- civil cases (small disputes)?
 criminal cases (small offences)?
 administrative cases?
 there is no simplified procedure

If yes, please specify:

In civil cases the small claim up to 6000 euros and the monitory procedure up to 30 000 euros are simplified procedures ruled by Civil Procedure Code 1/2000 of 7 of January.
In criminal cases the simplified procedure is for misdemeanours, when the offence is up to 400 euros
Regarding administrative cases, simplified procedures are those up to 13 000 euros

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- Yes
 No

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

- Yes
 No

If yes, please specify:

4. 2. 2. Case flow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal and criminal law cases.

Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	1299099	1761051	1754816	1270383
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	59995	183225	184107	57993
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases**	NAP	NAP	NAP	NAP
6. Administrative law cases	335512	196995	243718	285005
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

As civil non litigious cases are included non litigious divorces, voluntary jurisdiction matters and internaments

93) If "other cases", please indicate the case categories included:

94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	548390	1368823	1405987	524857
8. Severe criminal cases	321800	336216	353311	319643
9. Misdemeanour and / or minor criminal cases	226590	1032607	1052676	205214

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

Article 13 of the Spanish Criminal Code distinguishes among grave felonies, less grave felonies and misdemeanours. The distinction is established according to the punishment available for each type of criminal offence: grave felonies are those punished with a serious punishment; less grave crimes are those punished with a less severe punishment; misdemeanours are those punished with a minor punishment.

Misdemeanours may also be distinguished systematically: They are found in Book III; grave and less grave felonies, meanwhile, are found mixed in Book II. The systematic distinction is based on the legal interest to protect.

Article 33 of the Spanish Criminal Code sets out what is to be considered as severe penalties, less serious penalties and minor penalties. Some penalties are always considered to be severe (e.g. general disqualification). Others are always minor penalties (e.g. permanent localization). In most of the cases, however, it is the length of the sentence that determines the class of severity: a prison sentence is considered to be of great severity if it exceeds five years, or lesser severity otherwise; a community service sentence is considered less serious if it exceeds thirty days but is minor if shorter duration; a fine is minor if it does not exceed two months and is otherwise considered less serious, etc.

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

mail CN 9/1/14: The number of incoming administrative shows a relevant decrease due to the reduction of files related to Public Administration, this cases increased in the last period as they were based in the reduction of the salaries of civil servants. The incoming cases have decrease in the recent period for two reasons:

1. Plaintiffs are sentenced to pay the fees of the proceeding
2. Plaintiffs have now to be assisted by a lawyer to file an administrative case

Q 94: Mail CN 9/4/14 : the horizontal inconsistency is due to the restarted procedures, able in all jurisdictions, and not counted in the boxes of the questions, are not really incoming cases.

The inconsistency is due as well to the readjustment of the statistical data in the period between 2010 and 2012. The final data provided in the questionnaire, and shown in the box of pending cases is the real data at December 2012.

97) Second instance courts: total number of cases

Number of "other than criminal law" cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Jan. '12		Dec. '12	
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	83 971	158 065	153 656	88 791
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA

3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	32 556	26 263	29 288	28 653
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	29763	167028	163918	32671
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

Mail CN 9/4/14 : the horizontal inconsistency is due to the restarted procedures, able in all jurisdictions, and not counted in the boxes of the questions, are not really incoming cases.

The inconsistency is due as well to the readjustment of the statistical data in the period between 2010 and 2012. The final data provided in the questionnaire, and shown in the box of pending cases is the real data at December 2012.

99) Highest instance courts: total number of cases

Number of "other than criminal law" cases:

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	7566	8069	8333	7302
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	12322	5909	9910	8084
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

- Yes. If yes, please indicate the number of cases closed by this procedure?
 No

Number

1811 of civil cases, 1605 criminal cases, 1605 contentious administrative cases, 2722 labour cases, 1 military case, 4 in special units of the Supreme Court.

100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	2223	4224	4236	2211
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	37586	49330	47572	37472
Employment dismissal cases	38417	147404	108570	64705
Insolvency	20306	10290	4763	25647
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	283	301	NA	NA
Employment dismissal cases	NA	NA	143	256	411	NA
Insolvency	NA	NA	1044	NA	NA	NA
Robbery cases	NA	NA	654	191	NA	NA
Intentional homicide	NA	NA	1069	217	292	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.

In relation to litigious divorce cases and employment dismissal cases, the length of proceedings in first instance is calculated by a mathematic model that takes into account the number of incoming, pending and resolved cases at the end of the year and gives an estimate of the average length of cases filed each year. As for other cases, a different calculation method is used, by a sampling of the judgements filed in the Documentary Judicial Center of the General Council of the Judiciary.

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

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers

If "other significant powers", please specify:

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

Yes

No

If yes, please specify:

In relation to civil and administrative cases, the functions of Public Prosecutor are as follows:

- Ensures respect for fundamental rights and public freedoms by any measures required to defend them
- Act in civil proceedings required by law that affect public interest, minors' interests, the disabled or underprivileged until the normal representation mechanism is provided.
- Participates in proceedings concerning civil status and any other legally required procedure in defense of legality and the public or social interest.
- Ensures the integrity of the jurisdiction and competence of the courts and tribunals by raising matters of conflicts of jurisdiction or, where applicable, of competence, and intervenes in cases of conflicts of jurisdiction brought forward by others.

106.1) Does the public prosecutor also have a role in insolvency cases?

Yes

No

If yes, please specify:

107) Case proceedings managed by the public prosecutor

Total number of 1st instance criminal cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	NA	NA	NA	155921

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NA	NA

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	NA
1. Discontinued by the public prosecutor because the offender could not be identified	NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NAP
3. Discontinued by the public prosecutor for reasons of opportunity	NAP

109) Do the figures include traffic offence cases?

Yes

No

D.2 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**

mail CN 29/01/2014: concerning questions 91, 97, 99 and 101, and the horizontal inconsistency is due to the data provided to CEPEJ: incoming, resolved and pending cases at 31/12/2012. While in the spanish legal procedure, in all jurisdictions, are counted the restarted procedures. There has not been provided to CEPEJ data refered to restarted procedures, as there was not place for them in the tables of the questionnaire, but it explains parcially the diferences between pending´ 10 +incoming - resolved -pending cases ´12. Moreover, another explanation is related to the corrections made up by the courts in the satiscitical bulletin wich modify as well the final data provided for the pending cases in 2010

Regarding Q.99. 1. Data of civil (and commercial) litigious cases include data on labour matters, special matters and military matters.

mail CN 9/1/14: Q 99: The relevant reduction of pending cases [administrative law cases] is based on the reduction of incoming cases based on the impact of the Law 37/11, of measures of procedural improvement and in the relevant increase of resolved cases based on the measures adopted to reduce the pendency.

mail CN 9/1/14: Q 101: employment dismissal cases, pending cases on 31/12/12: The incoming cases have increase during this period due to the economic and financial crisis of the country during the evaluation period.

mail cn 9/1/14: Q102: The increase of employment dismissal cases (over a 31,7 % , and a 28% within the number of plaintiffs) has cause an increase of the length on first instance.

Regarding. Q. 109. Answer to Question 10 include data on traffic offense cases.

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

Q.91, 94, 97, 98, 99, 100, 101, 102. General Council of the Judiciary.

Q.107 and 108. Public Prosecutors´Office.

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

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

The recruitment of judges (and prosecutors) is made by a tribunal. The recruitment tribunal examines a first test made by candidates, and evaluates the subsequent two oral exams. The tribunal is composed by the following persons:

- A Supreme Court of High Court Magistrate, or a coordinating prosecutor or a prosecutor attached to the Supreme Court, or a prosecutor of the High Court, who will preside over the tribunal.
- two magistrates
- two prosecutors
- a university law professor
- a state advocacy
- a lawyer who has been practicing law for more than ten years
- a first category secretario judicial, who will act as rapporteur-secretary.

The authority in charge for nominating judges is the General Council of the Judiciary.

112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

The authority competent for the promotion of judges is the General Council of the Judiciary

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

Yes No

If "yes", please specify:

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

There are three categories in a judge career: "jueces", "Magistrados" (higher court judges) and "Magistrados del Tribunal Supremo" (judges of the Supreme Court).

After the recruitment, the nomination is as a "judge", to promote as a "magistrado" is by seniority. Judges can be, as well, "magistrados" after at least two years seniority and taking an examination for the specialised jurisdiction (commercial, labour and contentious administrative). Another way of access to the judicial career, to the category of "magistrado", is ruled in the Organic Act of the Judiciary 1/1985, according to which the access is reserved to legal practitioners with at least 10 years of experience. One third of the places are reserved to be covered by Secretarios Judiciales.

A third category is "Magistrates of the Supreme Court", most of the posts are filled by magistrates with at least 15 years experience, including 10 as a magistrate, and one fifth is reserved for lawyers of recognized standing with at least 15 years experience.

114) Is there a system of qualitative individual assessment of the judges' activity? Yes No

If yes, please indicate the frequency

115) Is the status of prosecution services: Independent? Under the authority of the Minister of justice ? Other?

Please specify:

The Prosecution service is a body of constitutional significance with legal personality, integrated in the Judiciary but operating autonomously therefrom. It pursues its mission with its own resources in keeping with the principles of unity of action and hierarchical order and subject at all times to those of legality and impartiality.

116) How are public prosecutors recruited? Mainly through a competitive exam (for instance, following a university degree in law) Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers) A combination of both (competitive exam and working experience) Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

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

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

See the answer to Q. 111

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

If "yes", please specify:

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:

The Ministry of Justice is competent for promoting public prosecutors on a proposal from the General Public Prosecutor (Fiscal General del Estado).

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Public Prosecutor´s career has three categories, after recruitment, prosecutor is nominated prosecutor in the third category (initial), to promote from the 3rd to 2nd category is automatic as based on seniority; promotion to 1st category requires an appointment by the Ministry of Justice on a proposal from the General Public Prosecutor (Fiscal General del Estado) after a merit competition among prosecutors with 20 years of service.

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

If "yes", please specify:

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

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

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	X, 70
No	

Comment :

Judges can be removed from one court to another in cases of resignation, loss of the Spanish nationality, incapacity, dismissal or prison sentence for an intentional crime.

121.1) Can a judge be transferred to another court without his consent:

- For disciplinary reasons
- For organisational reasons
- For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

The responsibility of judges is separated in three type of offences, non serious, serious and very serious offences. The Organic Law of the Judiciary 1/85 rules as a sanction for a judge to be transfer from one court to another, with at least 100 km distance from the original court. The sanctioned judge won't be able to move to another court in a period of 1 to 3 years time since the sanction was pronounced, wich will be determined in the disciplinary resolution.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	2 years
No	
NAP	

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

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	x 70
No	

Comment :

124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	x. 0,75
No	
NAP	

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

NAP

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

NAP

E.1 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 public prosecutors and the main reforms that have been implemented over the last two years**

In Spain the access to judicial and prosecutorial career is made through the same procedure, candidates (with law degree) must pass a competitive and public exam, composed of three phases, a written test, and two oral exams before the recruitment tribunal. Once candidates pass the theoretical exams and based on the calification obtained and the number of posts available, they choose the career of judge or prosecutor. For both carreers and after the theoretical exams, initial training is needed. Judges have a two years training at the "Judicial School" (Escuela judicial) and prosecutors at the "Center of Judicial Studies" (Centro de Estudios Jurídicos).

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Compulsory
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Compulsory

128) Frequency of the in-service training of judges:

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Annual / Regular (e.g. every 3 months)
In-service training for the use of computer facilities in courts	Annual / Regular (e.g. every 3 months)

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Annual / Regular (e.g. every 3 months)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.

If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	NA	NA	Yes	Yes
One institution for prosecutors	NA	NA	Yes	Yes
One single institution for both judges and prosecutors	No	No	No	No

Comment :

The institution in charge of judges' training is the Judicial School (Escuela Judicial) which depends on the Council General of the Judiciary, and has its own budget. Budget for 2012 for initial and continuous training was 26 452 820 euros, budgetary does not separate initial and continuous training.

The Center of Judicial Studies' (Centro de Estudios Jurídicos) budget for 2012 was 17 665 900 euros. The institution is in charge of the initial and continuous training of the Prosecutors, Secretarios Judiciales, Forensics, Non Judicial Staff of the Justice Administration and State Advocacy. The budget for Prosecutors' training was 6 241 700 euros in 2012.

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

E.2 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 public prosecutors and the main reforms that have been implemented over the last two years

Regarding Q. 131, the budget of the Judicial School (Escuela Judicial) and Center of Judicial Studies (Centro de Estudios Jurídicos) include salaries and benefits of judges and prosecutors during the training period.

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	47494,07	33720,8
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	107565,26	66690,46
Public prosecutor at the beginning of his/her career	47494,07	33720,8
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	107565,26	66690,46

Comment :

The net annual salary is an average as net salary is calculated deducting income taxes from gross salary depending on the salary and on individual's family situation.

The Source for this question is the Ministry of Justice. General Directorate of Relations with Justice Administration. Deputy Director of Financial Resources of Justice Administration.

133) 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

134) If other financial benefit, please specify:

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

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

The Organic Law of the Judiciary rules in article 397 the authorization to combine judge's tasks with other activities,

for this combination is needed an authorisation of the General Council of the Judiciary, with the previous conformity of the President of the Court or the Court of Appeal of his territory.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

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

- Yes
 No

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

There are two different ways to receive productivity bonuses according to the Spanish judiciary system:

(i) By fulfilling quantitative objectives (mainly number of judgements delivered over a given period of time).

(ii) By substituting other Judges. It means that a single Judge assumes the extra work of another Judge, in addition to the performance of his/her own work.

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
 Head of the organisational unit or hierarchical superior public prosecutor

- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other
- This is not possible

If "executive power" and/or "other", please specify:

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other

If "executive power" and/or "other", please specify:

As a rule, disciplinary powers on public prosecutors are exercised by General Public Prosecutor (Fiscal General del Estado) and the Inspection Office. However, the authority that imposes the sanction depends on the severity of the sanction. In fact, dismissal is imposed by the Ministry of Justice on a proposal from the General Public Prosecutor.

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	46	4
1. Breach of professional ethics	1	1
2. Professional inadequacy	43	3
3. Criminal offence	0	0
4. Other	2	0

Comment :

145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	57	4
1. Reprimand	6	0
2. Suspension	5	0
3. Removal of cases	0	0
4. Fine	16	0
5. Temporary reduction of salary	0	0
6. Position downgrade	0	0
7. Transfer to another geographical (court) location	1	0
8. Resignation	0	0
9. Other	29	0

Comment :

Is included in box 9: disciplinary proceedings resolved without a sanction for the judge.

E.3 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 public prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

Q.144. Q. 145. National Statistic Plan. Council General of the Judiciary and the 2013 Annual Prosecutors' Memory.

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

131 337

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

- Yes
 No

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

NAP

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

- Civil cases?
 Criminal cases - Defendant?
 Criminal cases - Victim?
 Administrative cases?
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

In civil cases, mainly the legal representation is for Court Attorneys (Procuradores). In criminal cases, lawyers can assume legal representation until a Procurador is appointed for the case. In administrative cases legal representation is mostly assumed by lawyers.

150) Is the lawyer profession organised through? (multiple options possible)

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

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

- Yes
 No

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

Law 34/2006, rules the access to the profession of lawyers and court attorneys (procuradores), the law entered into force on 31 October 2011, and sets the requirements to access the profession of lawyer: Law-degree holders have to go through a specialized training (both theoretical and practical) and a qualifying exam.

152) Is there a mandatory general system for lawyers requiring in-service professional training?

- Yes
 No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

Please indicate the sources for answering questions 146 and 148:

Q. 146. Q. 147. Q. 148. General Council of Bar Association

F1 Comments for interpreting the data mentioned in this chapter:

Regarding Q. 150, the following bodies are responsible for coordinating and supervising lawyers in the exercise of their functions: at national level: General Council of Bar Associations; In each Autonomous Region: the Autonomous Council of Bar Association; at local level: Bar Associations. Regarding Q. 153. Is under preparation a reform of the law on legal aid which will oblige lawyers to have specific training to assist victims of gender violence.

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

- Yes
 No

155) Are lawyers' fees freely negotiated?

- Yes
 No

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

- Yes laws provide rules
 Yes standards of the bar association provide rules
 No, neither laws nor bar association standards provide rules

F2 Useful comments for interpreting the data mentioned in this chapter:**6. 3. Quality standards and disciplinary proceedings****6. 3. 1. Quality standards and disciplinary proceedings****157) Have quality standards been determined for lawyers?**

- Yes
 No

If yes, what are the quality criteria used?

The General Council of Bar Associations implemented a quality management system in accordance with Norm UNE-EN ISO 9001:2008.

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

- the bar association?
 the Parliament?
 other?

If "other", please specify:

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

The client must contact the local Bar, or the Bar to which the lawyer belongs. If he does not agree with the decision taken by the Bar, he can appeal to the General Council of Bar Associations, this administrative decision can be appeal to the court.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	6 377
1. Breach of professional ethics	NA
2. Professional inadequacy	NA
3. Criminal offence	NA
4. Other	NA

Comment :

162) Sanctions pronounced against lawyers.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	1 012
1.Reprimand	NA
2. Suspension	NA
3. Removal	NA
4. Fine	NA
5. Other (e.g. disbarment)	450

Comment :

Over the 450 sanctions, 100 are a written provision, and 350 are disciplinary sanctions.

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Regarding Q. 162, fine sanctions are not communicated to the General Council of Bar Association.

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

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

163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168

Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

- Yes
 No

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- Before going to court
 Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

Law 5/79 creates the Institute of Mediation, Arbitration and Conciliation. This institute depends on the Labour Ministry, is focused on labour procedures, the aim is to grant agreements between employers and employees as a previous and mandatory step before the case goes to court. Other jurisdictions, civil and commercial allow mediation but it is not mandatory.

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	Yes	No	No
Family law cases (ex. divorce)	Yes	Yes	Yes	No	No
Administrative cases	Yes	No	No	No	No
Employment dismissals	Yes	No	Yes	No	No
Criminal cases	Yes	No	No	No	Yes

165) Is there a possibility to receive legal aid for judicial mediation procedures?

- Yes
 No

If yes, please specify:

Legal aid covers all stages of legal proceedings, as ruled in the Act on Legal Aid.

166) Number of accredited or registered mediators who practice judicial mediation:

NA

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)		NA
1. civil cases		NA
2. family cases	<input checked="" type="checkbox"/> Yes	3 608
3. administrative cases		NA

4. employment dismissals cases NA
 5. criminal cases Yes 1 166

Comment :

The data provided is based on cases diverted by courts to mediation, however data is not available regarding cases diverted to mediation previous to court.

Regarding labour cases, 12 725 cases have been diverted to mediation, 3 464 granted an agreement, but there is non data available on employment dismissals cases.

About criminal cases, 1 166 cases were diverted to mediation in the instruction phase (Juzgado de Instruccion) and 169,53 cases were diverted to mediation in the Criminal Court (Juzgado de lo Penal).

168) Does the legal system provide for the following ADR :

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

G.1 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

Law 5/12 on Civil and Commercial mediation rules mediation in civil and commercial jurisdiction. Law 5/12 modifies article 19 of Law on Civil Procedure 1/00, in the sense that parties can divert the civil procedure to mediation.

mail cn 9/1/14: Q 164, explication de certains changements dans l'organisation depuis le cycle précédent: a new Royal Decree-Law 5/2012 rule mediation in civil and commercial matters and is the explanation of the civil, commercial and family cases

Please indicate the source for answering question 166:

Q. 166 and 167. General Council of Judiciary

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

3 559

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

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

Please specify their status and powers:

The execution is mainly carried out by the Secretario Judicial (see Q. 53)

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

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

- Yes
 No

Please indicate the source for answering question 170:

Ministry of Justice. General Secretary of Justice Administration.

8. 1. 2. Efficiency of enforcement services

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

- Yes
 No

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

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

If other, please specify:

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

At the New Judicial Courts a control panel has been implemented to measure the case-flow and timeframes.

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

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

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

- Yes
 No

if yes, please specify

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

- Yes
 No

If yes, please specify

Section 104 of the Act on the Jurisdiction for Judicial Review reads as follows:

1.Subsequent to a ruling's becoming final, the Secretario Judicial shall report the ruling within ten days to the authority that performed the activity at issue in the claim. The recipient is to acknowledge receipt within a period of the same length after receipt and to put the ruling into full and due effect and to do as required by compliance with the declarations contained in the judgement, and in that same period to name the body responsible for compliance with the judgement.

2.Two months after service of the ruling or the period set in the ruling, any of the affected parties and persons may file for enforcement of judgements.

3.In view of the nature of what is demanded and the effectiveness of the ruling, a shorter period for compliance may be set when the provisions of the paragraph above render the ruling ineffective or cause serious injury.

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

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other

If "other", please specify:

Mistakes in the adopted measures.

184) Has your country prepared or 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:

There is a reform under preparation of the Civil Procedure Code 1/2000, which aim is to assign to Court Attorney the tasks of collaborate with the Justice Administration regarding the enforcement of court resolutions.

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

- for civil cases?
- for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who 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

187) Number of disciplinary proceedings initiated against enforcement agents.

If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	13
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	10
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	3
3. for criminal offence		NA
4. Other		NA

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	10
1. Reprimand	<input checked="" type="checkbox"/> number:	2
2. Suspension	<input checked="" type="checkbox"/> number:	7
3. Dismissal		NA
4. Fine		NA
5. Other	<input checked="" type="checkbox"/> number:	1

Comment :

Other: Compulsory transfer from one court to another.

H.1 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 have been implemented over the last two years**

Regarding Q. 181. Mechanism for executing decisions against public authorities are made through the legal procedure.

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

Q. 187 and Q. 188. Ministry of Justice. General Secretariat of Justice Administration. Secretarios Judiciales' Area.

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

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

- Judge
 Public prosecutor
 Prison and Probation Services
 Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

There is 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

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

- Yes
 No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- cannot be estimated

Please indicate the source for answering this question:
General Council of the Judiciary

H.2 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. Functionning

192) Do you have notaries in your country? If no please skip to question 197.

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

- private professionals (without control from public authorities)? number
- private professionals under the authority (control) of public authorities? number
- public agents? number
- other? number 2 955

Comment :

The Notaries' regulation, states in article 1 that Notaries are both civil servants and legal professionals.

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
- in the field of legal advice?
- to certify the authenticity of legal deeds and certificates?
- other?

If "other", please specify:

Notaries give public effectiveness to all sorts of extra-judicial transactions or private acts. Consequently, they act in different areas:

- facts, authenticating factual situations.
- civil and commercial contracts (giving them executive or declarative effect in proceedings)
- property, by means of the instrumental "traditio" (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.

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

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

If other, please specify:

Notaries are directly controlled by the Ministry of Justice. The Directorate-General for Registers and Notary Services manages, inspects and supervises the body of notaries and resolves any problems or queries that arise regarding the application and enforcement of notarial legislation, appointment of notaries, the notarial system and government of the profession. It also handles and decides on government appeals on matters relating to notaries. Notaries belong to professional associations (Colegios Notariales), which support them in the exercise of their functions and supervise their activities.

I.1 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**

Access to the Notaries Profession is made through a competitive and public exam, open to any of EU citizen with a recognised bachelors diploma in Law. The organization and territorial distributions of Notaries is made by the State through a Royal-Decree, as well as the number of posts able for notaries, their salaries for each task, and the age of retirement.

Please indicate the sources for answering question 193:

Ministry of Justice. General Directorate for Registers and Notary Services.

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functioning

197) Is the title of court interpreters protected?

- Yes
 No

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

- Yes
 No

199) Number of accredited or registered court interpreters:

177

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

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

201) Are the courts responsible for selecting court interpreters?

If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
No .

Comment :

J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Function of court interpreter is ruled in article 440-441 of the Criminal Procedural Code. Court interpreter can be personal contracted by the Ministry of Justice, or external professionals.

In cases where is not possible to be assisted by court interpreters contracted by the Ministry of Justice, or when a different language is required, recourse is made to external professionals.

Please indicate the sources for answering question 199:

Ministry of Justice. General Directorate of Justice Administration

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
 "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
 "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

203) Is the title of judicial experts protected?

- Yes
 No

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

- Yes
 No

205) Number of accredited or registered judicial experts (technical experts)

NA

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

- Yes
 No

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

According to article 335 of the Civil Procedure Code, upon issuing an opinion, all experts shall state under oath or promise to say the truth and that they have acted as appropriate or shall act as objectively as possible. Should he fail to fulfil his duty as an expert, penalties may be imposed on him.

The expert assigned by the Court shall issue his opinion in writing and remit it to the Court within the time limit notified to him. The said opinion shall be transferred to the parties by the Secretario Judicial to allow them to decide whether it is necessary for the expert to be present at the trial or the hearing for the purposes of giving the appropriate clarifications or explanations. The Court may at all events, by means of a procedural court order, declare that it considers it necessary for the expert to be present at the trial or the hearing with a view to a better understanding and evaluation of the opinion issued.

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
 Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
 No .

Comment :

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Judicial experts that work in courts can be contracted by the Ministry of Justice, or be external professionals. In 2012 the number of judicial experts contracted by the Ministry of Justice were 67, but non data is available for the external professionals. The Act on Civil Procedure Code 1/2000 rule the figure of judicial experts, they shall hold the official

title corresponding to the subject matter and the nature of the opinion. In the case of matters not included in official professional titles, the experts shall be appointed among individuals well acquainted with the subjects concerned.

Please indicate the sources for answering question 205:

Q. 205. Ministry of Justice. General Directorate with Justice Administration

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen reforms

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

1. (Comprehensive) reform plans

2. Budget

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

3.1 Access to justice and legal aid

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crim

Regarding the categories describe:

Category 3.-

Project on Friendly Spaces (Proyecto de Salas Amigables). The project would be functioning in the second semester of 2014, the aim is to create spaces in courts buildings where minors could be heard in an appropriate way when the procedure requires so (family, sexual abuses, etc).

3.1.-Regarding Legal Aid. Act on Legal Aid of 16 of January of 1996 was already reformed by the Royal Decree-law 3/2013 of 22 of February.

There is a foreseen reform with a new Law on Legal Aid, wich purpose is to achive further control on the process of granting legal aid, with further guarantees for the beneficiary.

Category 4.-

Has been reformed the Act of the General Council of the Judiciary by the Act of 28 June of 2013, wich modifies among others the appointments of the members of the General Council of the Judiciary.

Is under preparation the reform of the Organic Law of the Judiciary 1/85.

Category 5.-

Regarding legal professionals, Notaries and Property Registers have additional functions to their tasks through the draft Law on Voluntary Jurisdiction, wich has not been approved already by the Parliament.

The profession of Lawyers, will be afected by the reform of the Act on Legal Aid, wich is under preparation.

Category 6.- Regarding reforms of civil, criminal, administrative laws, international conventions and cooperation activities:

In civil matters, is under preparation the Project of updating the law on childhood protection, the law on parental co-responsability, the reform of the Civil Status Register, the law on Voluntary Jurisdiction, and the reform of the Civil Procedure Code.

In criminal matters, is foreseen a reform of the Criminal Code, wich is under preparation, and with the aim of implementing EU Directive 2011/36. Although the Criminal Procedure Code is under serious reform. Is under preparation the previous Project of the Vicitms Estatute (Estatuto de la Víctima) wich will implement the EU Directive 2011/36 and EU Directive 2011/93.

In administrative matters, the possible pre-project of the efficiency of the contentious administrative jurisdiction is under study.

In judicial cooperation, new law on judicial cooperation is prepared

Category 7.-

Regarding enforcement matters, is beign under preparation the reform of the Law on Civil Procedure Code, wich will add to the Porcuradores' tasks the cooperation with Justice Administration in the enforcement of judicial decitions.

Category 8.-

Regarding mediation, recently has been developed the Royal Decree for the Law of Mediation of 2011 in civil and commercial matters.

Category 9.- Fight against crime

Regarding this issue, eventhough it was already mentioned, the reform of the Criminal Code.

Project of " Friendly Spaces" (Salas amigables) and the pre-project of the childhood protection.