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President of GRECO

Ms Ana Andrés Ballesteros
Head of Delegation of Spain in GRECO
Ministry of Justice, Madrid

Strasbourg, 14 October 2020

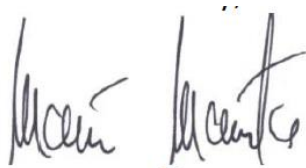
Dear Ms Andrés Ballesteros,

I am writing to you with reference to the legislative proposal to amend the existing system of selection of the members of the General Council of the Judiciary of Spain. The proposal is to replace the requirement of a vote by Parliament through 3/5 qualified majority with that of simple majority. This legislative initiative departs from the Council of Europe standards concerning the composition of judicial councils and election of their members and may result in a violation of the Council of Europe anti-corruption standards. As you know, these standards have been the subject of GRECO's 4th evaluation round. Councils of the Judiciary, in the member States where they exist, are meant to be independent bodies that seek to safeguard the independence of the judiciary and of individual judges which, in turn, is a *conditio sine qua non* for an effective fight against corruption. Our standards provide that at least half of the council's members should be judges elected by their peers from all levels of the judiciary. GRECO has repeatedly stressed that political authorities shall not be involved, at any stage, in the selection process of the judicial shift.

I further remind you that Spain has not yet implemented a recommendation issued by GRECO to Spain, almost seven years ago, in its Fourth Evaluation Round. The recommendation called for an evaluation of the legislative framework governing the General Council of the Judiciary and of its effects on the real and perceived independence of this body from any undue influence, with a view to remedying any shortcomings identified.

GRECO will closely monitor the current developments. To this effect, we kindly ask you to provide an update of the situation during our next plenary meeting, which will take place on 26-30 October 2020.

Yours sincerely,



Marin Mrčela