

## 1. Evaluation of the judicial systems (2016-2018 cycle)



Spain

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**Reference data 2016 (01/01/2016 - 31/12/2016)**

**Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017**

### **Objective :**

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

### **Instruction :**

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

- User manual
- Explanatory note

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

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

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## **1.General information**

### **1.1.Demographic and economic data**

#### **1.1.1.Inhabitants and economic general information**



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

[ 46528966 ]

Comments

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

	Amount
State or federal level	436372818400 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	179679857288 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

[ 23985 ]

Comments

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

[ 22770 ]

NA

Comments

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

[            ]

Allow decimals : 5

NAP

Comments

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

Sources: 1. INE (National Statistics Institute)

3. INE

**1.1.2. Budgetary data concerning judicial system**



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

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	3145396555 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	2324558841 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation (equipment, investments, maintenance)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>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.</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	210071494 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	55984925 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>6. Annual public budget allocated to training</b>	17345639 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>7. Other (please specify)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

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

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

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

Comments:

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

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

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?  
 Nowadays in Spain, the Law 10/2012 that regulates certain fees in the area of the Administration of Justice requires to pay court fees to start the proceeding only to companies, not to natural persons. The Law mentioned was amended on this point by the Royal Decree 1/2015, 27 February.

### 008-1. Please briefly present the methodology of calculation of court taxes or fees:

- Because of the effects of some Judgments of the Constitutional Court, currently, there is only a fixed quantity whose amount depends on the quantity of the claim. (It was declared the nullity of the variable part of the fee).

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

[ 150 ]  
 [ ] NA  
 [ ] NAP

Comments

### 009. Annual income of court taxes or fees received by the State (in €)

[ 117458000 ]  
 [ ] NA  
 [ ] NAP

Comments The Royal Decree 1/2015 exempted natural persons from paying fees. Besides, the judgment of the Constitutional Court 140/2016 suppressed the fees in appeals and in the filing of administrative cases. All of this has resulted in a reduction in tax collection.

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	260079600 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
12.1 for cases brought to court	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

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

	<b>TOTAL</b>	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	262316223 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.1 for cases brought to court</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

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

**013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.**

	<b>Approved budget (in €)</b>	<b>Implemented budget (in €)</b>
<b>Total annual public budget allocated to the public prosecution services, in €</b>	272791497 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences:

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

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

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

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

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

Sources: Budgets published

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

**015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the whole justice system in €</b>	5302201029 [ ] NA [ ] NAP	[X] NA [ ] NAP

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

**015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):**

	Included
<b>Court (see question 6)</b>	(X) Yes ( ) No [ ] NAP
<b>Legal aid (see question 12)</b>	(X) Yes ( ) No [ ] NAP

Public prosecution services (see question 13)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
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Comments:

**015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):**

	Included
Prison system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Probation services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Council of the judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Constitutional court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Judicial management body	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
State advocacy	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforcement services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Notariat	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Forensic services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Judicial protection of juveniles	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Refugees and asylum seekers services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Immigration Service	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Some police services (e.g. : transfer, investigation, prisoners' security)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

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

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

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

Sources: The official budget published on the web sites of the Ministry of Economy and Autonomous Regions, and consultations with the Departments of Justice of the Autonomous Regions.

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1. Scope of legal aid

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

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

Yes

No

Comments - If yes, please specify:



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

Yes

No

Comments - If yes, please specify:

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

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

Comments - If yes, please specify:

### 2.1.2. Quantitative information on legal aid

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

	Cases brought to court	Cases not brought to court / non-litigious cases
<b>TOTAL</b>	1781886 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In criminal cases</b>	588561 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In other than criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

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

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify:

**022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?**

Yes

No

Comments

**023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.**

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
<b>Full legal aid for criminal cases</b>	15039 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Full legal aid for other than criminal cases</b>	15039 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Partial legal aid for criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Partial legal aid for other than criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: The figure provided (15039 euros) is applicable when the person is not integrated into a family unit. The figure is higher in case the person is integrated into a family unit (and even higher if the family has 4 or more members). (Article 3 Legal assistance law).

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

**024. 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

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

**025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):**

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

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

Yes

No

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

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

	Judicial decisions direct how legal costs will be shared
in criminal cases	( X ) Yes ( ) No
in other than criminal cases	( X ) Yes ( ) No

Comments

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

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

**2.2. Users of the courts and victims**

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

**028. 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:**

	Yes, please indicate the internet address(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	( X ) <a href="https://www.boe.es/">https://www.boe.es/</a>	( )
case-law of the higher court/s	( X ) <a href="http://www.poderjudicial.es/search/indexAN.jsp">http://www.poderjudicial.es/search/indexAN.jsp</a>	( )
other documents (e.g. downloadable forms, online registration)	( X ) <a href="http://www.mjusticia.gob.es/cs/Satellite/Portal/es/servicios-ciudadano/tramites-gestiones-personales/relacion-descarga-modelos">http://www.mjusticia.gob.es/cs/Satellite/Portal/es/servicios-ciudadano/tramites-gestiones-personales/relacion-descarga-modelos</a>	( )

Comments - Please specify what documents and information the addresses for "other documents" include: There are different webs with templates for different cases or requests. In the one indicated above there are templates for administrative requests related with the Administration of Justice (for example, cancelling of criminal record).

In this other (<http://www.poderjudicial.es/cgpj/es/Servicios/Atencion-Ciudadana/Modelos-normalizados/El-juicio-verbal->) there are templates for wording a lawsuit.

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

( ) Yes, always

No

Yes, only in some specific situations

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

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

Yes

No

Comments - If yes, please specify:

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

	<b>Information mechanism</b>	<b>Special arrangements in hearings</b>	<b>Other specific arrangements</b>
<b>Victims of sexual violence/rape</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims of terrorism</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Minors (witnesses or victims)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims of domestic violence</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Ethnic minorities</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Disabled persons</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Juvenile offenders</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other vulnerable person" and/or "other special arrangements", please specify: The right of information in case of juvenile offenders includes the use of a language 'clear, comprehensible and adapted to their age'. Moreover, in 2015 the Law for criminal procedure was reformed and highlighted that 'The information will be provided in a comprehensible language that is accessible to the accused. For these purposes, the information will be adapted to their age, degree of maturity, disability and any other personal circumstance from which a change in the ability to understand the scope of the information provided may result'.

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

Yes

No

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

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

Yes, please specify for which kind of offences: .....

No

Comments

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

Yes

No

Comments

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

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

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

Yes

No

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

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

Yes

No

Comments - If yes, please specify:

**036. 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". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

Yes

No

NAP

Comments - If necessary, please specify:

## 2.2.2. Confidence of citizens in their justice system



**037. (Modified question) Is there a system for compensating users in the following circumstances:**

Number of requests for compensation	Number of condemnations	Total amount (in €)
-------------------------------------	-------------------------	---------------------

<b>Total</b>	627 <input type="checkbox"/> NA <input type="checkbox"/> NAP	81 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2973005 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Excessive length of proceedings</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Non-execution of court decisions</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful arrest</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful conviction</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	50 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): According Article 293 of the Organic Law of the Judicial Power: The interested party will direct his indemnification petition directly to the Ministry of Justice, processing it according to the regulatory norms of the patrimonial responsibility of the state. A contentious-administrative appeal will be available against the resolution. The right to claim compensation shall expire a year, from the day on which it could be exercised.

The number of requests because of "judicial error" (non exactly the same concept as Wrongful conviction) that were estimated in 2016 was ONE (1).

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

	National level	Court level
<b>1. (Satisfaction) surveys aimed at judges</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>2. (Satisfaction) surveys aimed at court staff</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>3. (Satisfaction) surveys aimed at public prosecutors</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>4. (Satisfaction) surveys aimed at lawyers</b>	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>5. (Satisfaction) surveys aimed at the parties</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

<b>7. (Satisfaction) surveys aimed at victims</b>	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>8. Other not mentioned</b>	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: Year of reference (2016)

- General Bar Association: Survey among Lawyers about the problems of the Spanish Justice <http://www.abogacia.es/2016/06/07/los-abogados-opinan-sobre-los-problemas-de-la-justicia-en-espana/>
- General Bar Association: Survey among Law firms about "internationalization and digital transformation" <http://www.abogacia.es/2016/06/23/la-transformacion-digital-y-la-internacionalizacion-grandes-retos-de-los-bufetes-para-los-proximos-dos-anos/>
- In the context of the inspection of the Council for the Judiciary of certain Courts there has been a survey among Lawyers, provided through the web of Madrid Bar Association on the functioning of these Courts: [http://web.icam.es/actualidad/noticia/2508/Ya\\_se\\_puede\\_participar\\_en\\_las\\_encuestas\\_para\\_las\\_pr%C3%B3ximas\\_inspecciones\\_de\\_los\\_Juzgados\\_de\\_Alcorc%C3%B3n,\\_Majadahonda\\_y\\_Torrelaguna](http://web.icam.es/actualidad/noticia/2508/Ya_se_puede_participar_en_las_encuestas_para_las_pr%C3%B3ximas_inspecciones_de_los_Juzgados_de_Alcorc%C3%B3n,_Majadahonda_y_Torrelaguna)
- Survey on Legal Aid

Year of reference + 1 (2017)

- Survey on legal aid 2017: <http://www.abogacia.es/2017/07/04/justicia-gratuita-notablemente-conocida-y-muy-valorada-por-la-sociedad-espanola/>
- In the context of the inspection of the Council for the Judiciary of certain Investigation Courts there has been a survey among Lawyers, provided through the web of Madrid Bar Association on the functioning of these Courts: [http://web.icam.es/actualidad/noticia/3559/Abiertas\\_las\\_encuestas\\_para\\_las\\_inspecciones\\_de\\_los\\_Juzgados\\_de\\_Instrucci%C3%B3n\\_n%C2%BA\\_23,\\_42,\\_46\\_y\\_51\\_de\\_Madrid](http://web.icam.es/actualidad/noticia/3559/Abiertas_las_encuestas_para_las_inspecciones_de_los_Juzgados_de_Instrucci%C3%B3n_n%C2%BA_23,_42,_46_y_51_de_Madrid)

**040. 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)**

( X ) Yes

( ) No

Comments

**041. (Modified question) If yes, please specify certain aspects of this procedure:**

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
<b>Court concerned</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Higher court</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Ministry of Justice</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Council of the Judiciary</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other external bodies (e.g. Ombudsman)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

**041-1. (Modified question) Please specify further certain aspects of this procedure:**

	Number of complaints	Compensations amount granted to users
<b>Court concerned</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Higher court</b>	2383 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Ministry of Justice</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Council of the Judiciary</b>	8335 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other external bodies (e.g. Ombudsman)</b>	497 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

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

The number indicated in “other external bodies” represents exclusively the complaints before the Ombudsman related to the Administration of Justice (extracted from the Annual Report of the Ombudsman for 2016).

The Ministry of Justice deals with economic compensation requests related to the wrong functioning of Justice (its data is provided in Question 37).

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1. Number of courts

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

	Number of courts
<b>42.1 First instance courts of general jurisdiction (legal entities)</b>	2223 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>42.2 First instance specialised courts (legal entities)</b>	1434 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)</b>	763 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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



	Number of courts
<b>Total (must be the same as the data given under question 42.2)</b>	1434 [ ] NA [ ] NAP
<b>Commercial courts (excluded insolvency courts)</b>	64 [ ] NA [ ] NAP
<b>Insolvency courts</b>	[ ] NA [ X ] NAP
<b>Labour courts</b>	345 [ ] NA [ ] NAP
<b>Family courts</b>	104 [ ] NA [ ] NAP
<b>Rent and tenancies courts</b>	[ ] NA [ X ] NAP
<b>Enforcement of criminal sanctions courts</b>	18 [ ] NA [ ] NAP
<b>Fight against terrorism, organised crime and corruption</b>	7 [ ] NA [ ] NAP
<b>Internet related disputes</b>	[ ] NA [ X ] NAP
<b>Administrative courts</b>	241 [ ] NA [ ] NAP
<b>Insurance and / or social welfare courts</b>	[ ] NA [ X ] NAP
<b>Military courts</b>	[ ] NA [ X ] NAP
<b>Other specialised 1st instance courts</b>	655 [ ] NA [ ] NAP

Comments - If "other specialised 1st instance courts", please specify: - 335 Criminal courts

-30 Criminal courts specialized in violence against women

-106 violence against women courts

-83 juvenile courts

-51 Prison courts

-3 foreclosure proceedings courts

-1 Arbitration court

-18 Civil Capacity courts

- 28 Civil register courts

**044. Is there a foreseen change in the structure of courts [for example a reduction of the number of**

**courts (geographic locations) or a change in the powers of courts]?**

Yes

No

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

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

	Number of courts
<b>a debt collection for small claims</b>	1788 [ ] NA [ ] NAP
<b>a dismissal</b>	345 [ ] NA [ ] NAP
<b>a robbery</b>	1545 [ ] NA [ ] NAP

Comments

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

Yes

No, please give your definition for small claims: .....

Comments

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

[ 6000 ]

Comments

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

Sources: Statistics department of the Council for the Judiciary

**3.2. Court staff**

**3.2.1. Judges and non-judge staff**



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

	Total	Males	Females
<b>Total number of professional judges (1 + 2 + 3)</b>	5367 [ ] NA [ ] NAP	2540 [ ] NA [ ] NAP	2827 [ ] NA [ ] NAP
<b>1. Number of first instance professional judges</b>	3786 [ ] NA [ ] NAP	1525 [ ] NA [ ] NAP	2261 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	1496 [ ] NA [ ] NAP	940 [ ] NA [ ] NAP	556 [ ] NA [ ] NAP
<b>3. Number of supreme court professional judges</b>	85 [ ] NA [ ] NAP	75 [ ] NA [ ] NAP	10 [ ] NA [ ] NAP

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

**047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts**

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	118 [ ] NA [ ] NAP	102 [ ] NA [ ] NAP	16 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	112 [ ] NA [ ] NAP	96 [ ] NA [ ] NAP	16 [ ] NA [ ] NAP
<b>3. Number of supreme court presidents</b>	6 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments

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

	Figure
<b>Gross figure</b>	946 [ ] NA [ ] NAP
<b>In full-time equivalent</b>	[ X ] NA [ ] NAP

Comments - If necessary, please provide comments to explain the answer provided: The number of substitute judges has decreased because their functions are being assumed by judges for territorial adscription and judges in expectation for destination.

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

Yes, please give specifications on the types of cases and an estimate in percentage. 11% of the Judgements in 2016

No

Comments

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

	Figure
Gross figure	7692 [ ] NA [ ] NAP
In full time equivalent	[ X ] NA [ ] NAP

Comments

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

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

Comments - If “other”, please specify: Enforcement in cases determined by Law, aid for communications of other Courts.

In the criminal sphere, they may also intervene in prevention measures or via delegation.

By Law 1/2015 the Criminal Procedural Law was reformed, and since then, "Jueces de Paz" (non Professional Judges) have no competence for minor crimes.

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

Yes

No

Comments

**050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)**

Severe criminal cases

Misdemeanour cases

Other cases

Comments Severe crimes but not all of them, only for the list of crimes indicated in article 1 of the Law on the Jury.

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

2403 ]

NA

NAP

Comments

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

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	49186 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	4379 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>4. Technical staff</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>5. Other non-judge staff</b>	44807 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other non-judge staff", please specify: The figure for other non judge staff includes judicial civil servants who are in charge of the processing of files, communication acts, and other tasks, and are distributed in three categories (called Auxilio Judicial, Tramitación Procesal, Gestión Procesal). Forensic Doctors are a special body (not included in the figure provided in this question). Their total number (Forensic Doctors) at 4 April 2018 is 1003.

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

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

Comments - Please briefly describe their status and duties: According to article 456 of the Organic Law for the Jurisdictional Power: The Lawyer of the Administration of Justice will impel the process in the terms that establish the procedural laws. They will issue the necessary resolutions for the processing, except for those that the procedural laws reserve for Judges. A decree will be called a resolution issued by the Lawyer of the Administration of Justice in order to admit the lawsuit, put an end to the procedure for which s/he has exclusive competence, or when it is necessary or convenient to reason her/his decision. It will always be motivated. Lawyers of the Administration of Justice, when provided by the procedural laws, shall be competent in the following matters:

- a) Execution, except those powers reserved to Judges and Magistrates.
- b) Voluntary jurisdiction.
- c) Conciliation.
- d) Payment procedures.
- e) Mediation.
- f) Any others that are expressly foreseen.

**054. Have the courts outsourced certain services, which fall within their powers, to private providers?**

- Yes
- No

Comments

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

- IT services
- Training of staff
- Security

Archives

Cleaning

Other types of services (please specify): Interpreters of languages

Comments

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

Sources: Ministry of Justice, Council for the Judiciary and Autonomous Regions

## 3.3. Public prosecution

### 3.3.1. Public prosecutors and staff

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

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	2473 <input type="checkbox"/> NA <input type="checkbox"/> NAP	890 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1583 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of prosecutors at first instance level	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Number of prosecutors at second instance (court of appeal) level	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Number of prosecutors at supreme court level	49 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP

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

However, it distinguishes three categories: First) Total 25, Males 19, Females 6

Second) Total 1826, Males 738, Females 1088

Third) Total 622, Males 155, Females 467

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	88 <input type="checkbox"/> NA <input type="checkbox"/> NAP	53 <input type="checkbox"/> NA <input type="checkbox"/> NAP	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>1. Number of heads of prosecution offices at first instance level</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Number of heads of prosecution offices at supreme court level</b>	8 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP

Please provide any useful comment for interpreting the data above: Number of Heads of offices of the Autonomous Región: Total 17 (Males 13, Female 04)

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

Number of Heads of offices of área: Total 27 (Males 10, Females 17)

**057. Do other persons have similar duties to public prosecutors?**

( X ) Yes, please specify their number (in full-time equivalent): .....

( ) No

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

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

( ) Yes

( X ) No

Comments

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

( X ) Yes

( ) No

Comments

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

	Total	Males	Females
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	2084 [ ] NA	[ X ] NA	[ X ] NA

Comments

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

Sources: Directorate for relations with the Administration of Justice (Ministry of Justice)



### 3.4. Management of the court budget

#### 3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court President	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court administrative director	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "other", please specify:

### 3.6. Performance and evaluation

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

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

Yes

No

Comments - If yes, please specify:

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

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

Yes

No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

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

**069. Is there a system for monitoring and evaluating the performance of the public prosecution service?**

Yes

No

Comments - If yes, please give further details:

**3.6.2. Performance and evaluation of courts**

**070. Do you have, within the courts, a regular monitoring system of court activities concerning:**

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify): The category "other" includes many other data such appeals, aid between courts, pending writings, enforcement proceedings, form of termination of trials, etc.

Comments The category "other" includes many other data such appeals, aid between courts, pending writings, enforcement proceedings, form of termination of trials, etc.

**071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

civil law cases

criminal law cases

administrative law cases

Comments

**072. Do you have an evaluation process to monitor waiting time during court procedures?**

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments

**073-0. (New question) If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Every six months there is a virtual (on line) inspection of the work of the Courts.

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

- Yes
- No

Comments

**074. Are there performance targets defined at the level of the court?**

- Yes
- No

Comments

**075. (Modified question) Please specify the main targets applied to the courts:**

- to increase efficiency / to shorten the length of proceedings
- to improve quality
- to improve cost efficiency / productivity

Other (please specify):The targets are also used for remuneration. And only in case of Judges, a contradictory proceeding can be opened in case of not reaching at least 80% of the objective.

Comments

**076. Who is responsible for setting the targets for the courts?**

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example High Judicial Council, Higher Court)
- President of the court
- Other (please specify): .....

Comments The view of the answer expressed in the general comment of Q74 allows to include Ministry of Justice, because it sets (for productivity) the objectives of the body of Lawyers of the Administration of Justice. But only the Council for the Judiciary sets targets for Judges.

**077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)**

- Yes
- No

Comments

**078. If yes, please select the 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
- number of appeals
- other (please specify): .....

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

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

Comments Ministry of Justice regarding the activity under the responsibility of the Lawyers of the Administration of Justice.

**3.6.3. Court activity and administration**

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

Yes (please indicate the name and the address of this institution): National Judicial Statistics Commission, Ministry of Justice and Judicial Statistics Department, Council for the Judiciary

No

Comments

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

Yes, on internet

No, only internally (in an intranet website)

No

Comments

**081. Are individual courts required to prepare an 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

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): The statistics contain, among other data, cases entered, resolved, by type of procedure, hearings held, pending writings, resolutions adopted, sense of the

decisions (if they are estimative or not), enforcement proceedings, appeals (entered and resolved), data on judges, judicial counsellor and staff. The statistic report is sent to the statistic department of the Council for the Judiciary.

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

- Internet
- Intranet (internal) website
- Paper distribution

Comments

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

- Annual
- Less frequent
- More frequent

Comments Every court prepares a statistical report every three months

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

- Yes
- No

Comments - If yes, please specify:

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

- Yes
- No

Comments - If yes, please specify:

### **3.6.4. Performance and evaluation of judges**

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

- Yes
- No

Comments

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

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify): .....

Comments

**New node**



**4.Fair trial**

**4.1.Principles**

**4.1.1.Principles of fair trial**



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

NA

NAP

Comments

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

Yes, number of successful challenges in a year .....

No

Comments - Please could you briefly specify:

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

	Monitoring system
For civil procedures (non-enforcement)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For civil procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

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

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

Sources: Law  
Council for the Judiciary

---

## 4.2. Timeframe of proceedings

### 4.2.1. General information

#### 087. Are there specific procedures for urgent matters as regards:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure

Comments - If yes, please specify:

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

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify:

#### 088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify:

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

- Yes
- No

Comments - If yes, please specify: The competence to fix the date of a hearing is exclusive of the Court. But the impossibility of the Lawyer to attend the hearing can be cause for postponing the hearing. Therefore, it is common practice that the Judge, during the previous hearing, ask the Lawyers for the dates on wich they are available in order to fix a date for the trial possible for both parties.

### 4.2.2. Case flow management – first instance

#### 091. (Modified question) First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	1382963 [ ] NA [ ] NAP	1972326 [ ] NA [ ] NAP	2062884 [ ] NA [ ] NAP	1284483 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	840840 [ ] NA [ ] NAP	999383 [ ] NA [ ] NAP	1030805 [ ] NA [ ] NAP	795722 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	365705 [ ] NA [ ] NAP	808117 [ ] NA [ ] NAP	848098 [ ] NA [ ] NAP	331285 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	365705 [ ] NA [ ] NAP	808117 [ ] NA [ ] NAP	848098 [ ] NA [ ] NAP	331285 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	176418 [ ] NA [ ] NAP	164826 [ ] NA [ ] NAP	183981 [ ] NA [ ] NAP	157476 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments Concerning the Administrative Law cases, between 2014 and 2016, the decrease of 'Pending cases' is probably because the



number of resolved cases, both in 2015 and 2016 has been higher than the number of incoming cases (reinforcement measures have been applied).

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

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

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

. NAP

**094. (Modified question) First instance courts: number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2)</b>	397773 <input type="checkbox"/> NA <input type="checkbox"/> NAP	783991 <input type="checkbox"/> NA <input type="checkbox"/> NAP	828281 <input type="checkbox"/> NA <input type="checkbox"/> NAP	369773 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	282138 <input type="checkbox"/> NA <input type="checkbox"/> NAP	302925 <input type="checkbox"/> NA <input type="checkbox"/> NAP	326187 <input type="checkbox"/> NA <input type="checkbox"/> NAP	275069 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	115635 <input type="checkbox"/> NA <input type="checkbox"/> NAP	481066 <input type="checkbox"/> NA <input type="checkbox"/> NAP	502094 <input type="checkbox"/> NA <input type="checkbox"/> NAP	94704 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": The Organic Law 1/2015 eliminated 'faltas' (misdemeanour) of the Criminal Code, qualifying some of them as minor offenses, and others as administrative infractions. Accordingly, we can observe decreases in the numbers of misdemeanour cases which also affects the total of criminal law cases.

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



**097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	95062 [ ] NA [ ] NAP	184339 [ ] NA [ ] NAP	180825 [ ] NA [ ] NAP	98712 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	73802 [ ] NA [ ] NAP	160153 [ ] NA [ ] NAP	156564 [ ] NA [ ] NAP	77538 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP
<b>3. Administrative law cases</b>	21260 [ ] NA [ ] NAP	24186 [ ] NA [ ] NAP	24261 [ ] NA [ ] NAP	21174 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments In respect of the increase in the number of incoming civil and commercial litigious cases as well as the increase of the total of

incoming cases between 2014 and 2016, it should be mentioned that since March 2015 the fees to bring a case to the court were abolished in case of natural persons. Besides, in July 2016, the Constitutional Court declared the nullity of the fees to appeal.

**098. (Modified question) Second instance courts (appeal): number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of criminal law cases (1+2)</b>	10963 [ ] NA [ ] NAP	59861 [ ] NA [ ] NAP	61358 [ ] NA [ ] NAP	9373 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	8176 [ ] NA [ ] NAP	38283 [ ] NA [ ] NAP	40020 [ ] NA [ ] NAP	6346 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	2787 [ ] NA [ ] NAP	21578 [ ] NA [ ] NAP	21338 [ ] NA [ ] NAP	3027 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments The number of pending severe criminal cases decreased due to the decrease in the number of incoming cases. The decreases observed in respect of the numbers of Misdemeanour cases can be due to the elimination of "Faltas" (Misdemeanour cases) by the Organic Law 1/2015. Some of them were transformed in minor offences, but other disappeared or were transformed in administrative infractions.

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



**099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
<b>Total of other than criminal law cases (1+2+3+4)</b>	21022 [ ] NA [ ] NAP	19956 [ ] NA [ ] NAP	14502 [ ] NA [ ] NAP	25613 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	10732 [ ] NA [ ] NAP	10649 [ ] NA [ ] NAP	8893 [ ] NA [ ] NAP	12488 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	10290 [ ] NA [ ] NAP	9307 [ ] NA [ ] NAP	5609 [ ] NA [ ] NAP	13125 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments As concerns the variations observed between 2014 and 2016 regarding the categories "total of other than criminal law cases"; "civil and commercial litigious cases"; "administrative law cases", it should be noted that:

- the increase in the number of cases in civil matters is due to the increase in conflicts of competence entered and resolved as well as the increase in the number of resolutions of appeals for unification of doctrine.

- the high increase in administrative matters is due to the massive presentation of claims for the State's patrimonial responsibility for the undue payment of the called "sanitary cent", because of the Judgement of the Court of Justice of the European Union that declared contrary to the Community law the Spanish law that authorized the Tax on Retail Sales of Certain Hydrocarbons.

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

( X ) Yes, please indicate the number of cases closed by this procedure: .....

( ) No

Comments

### 100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
<b>Total of criminal law cases (1+2)</b>	1758 [ ] NA [ ] NAP	4031 [ ] NA [ ] NAP	4047 [ ] NA [ ] NAP	1742 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Severe criminal cases</b>	1758 [ ] NA [ ] NAP	4031 [ ] NA [ ] NAP	4047 [ ] NA [ ] NAP	1742 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments

#### 4.2.5. Case flow management – specific cases



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
<b>Litigious divorce cases</b>	37354 [ ] NA [ ] NAP	46830 [ ] NA [ ] NAP	45469 [ ] NA [ ] NAP	37148 [ ] NA [ ] NAP
<b>Employment dismissal cases</b>	55514 [ ] NA [ ] NAP	94877 [ ] NA [ ] NAP	101480 [ ] NA [ ] NAP	48738 [ ] NA [ ] NAP
<b>Insolvency</b>	30928 [ ] NA [ ] NAP	5449 [ ] NA [ ] NAP	7105 [ ] NA [ ] NAP	29367 [ ] NA [ ] NAP
<b>Robbery case</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Intentional homicide</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	690 [ ] NA [ ] NAP	601 [ ] NA [ ] NAP	568 [ ] NA [ ] NAP	675 [ ] NA [ ] NAP
<b>Cases relating to the right of entry and stay for aliens</b>	15142 [ ] NA [ ] NAP	22736 [ ] NA [ ] NAP	25321 [ ] NA [ ] NAP	12903 [ ] NA [ ] NAP

Comments As concerns employment dismissal cases: in 2014, 2015 and 2016 an important decrease in the number of incoming cases has been observed. While the resolved cases have kept similar numbers, so, every year the number of resolved cases has been higher than the number of incoming cases. As concerns insolvency cases: the decrease in the number of incoming cases may be due to a certain decrease in some effects of the economic crisis.

**101-1. (New question) Could you briefly describe the system in your country dealing with judicial**

**remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:**

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

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

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
<b>Litigious divorce case</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	285 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal case</b>	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP	196 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency</b>	65 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1342 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery case</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	823 <input type="checkbox"/> NA <input type="checkbox"/> NAP	169 <input type="checkbox"/> NA <input type="checkbox"/> NAP	249 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

. - Litigious divorce cases: Submission of the lawsuit; notification to the defendant who has 20 days as time limit to submit the reply; oral hearing in which the evidences proposed by the parties and admitted by the judge will be performed, but the Court may order ex officio the examination of any evidence deemed relevant; oral conclusions. The judge will deliver the judgment within the time limit determined by the law. The intervention of the Public Prosecution Service shall be mandatory when either of the parties in the procedure is under age, incapacitated or in a situation of legal absence.  
 - Non litigious cases: Admitted the application for separation or divorce, the Lawyer of the Administration of Justice will summon the spouses within the following three days, to ratify separately their petition. If one of them do not ratify the document, then the proceeding concludes (as non litigious). If there are minor or disabled children, the Court will request a report from the Prosecutor

regarding the terms of the agreement about the children and will hear the children if they have sufficient knowledge.  
Once these provisions have been complied with or, if it is not necessary, immediately after the spouses' ratification, the court shall deliver a judgment granting or denying the separation or divorce and pronouncing, where appropriate, on the agreement.

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

. For divorces, dismissals, insolvency, an estimation of the duration of the cases completed in the year is made, using the data of entered, resolved and pending and a mathematical model.  
For intentional homicides, all sentences that contain that voice are analyzed in the CENDOJ (Centre of Judicial Documentation) jurisprudence database.

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

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

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

Comments

**106. (Modified question) Does the public prosecutor also have a role in:**

- [ X ] civil cases
- [ X ] administrative cases
- [ X ] insolvency cases

Comments - If yes, please specify:

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

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

Comments

**107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?**

	Number of guilty plea procedures
Total	174002 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Before the court case	92179 <input type="checkbox"/> NA <input type="checkbox"/> NAP
During the court case	81823 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

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

Comments

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

Yes

No

Comments

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



## 5. Career of judges and public prosecutors

### 5.1. Recruitment and promotion

#### 5.1.1. Recruitment and promotion of judges

##### 110. (Modified question) How are judges recruited?

[ X ] mainly through a competitive exam (open competition)

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

[ ] a combination of both (competitive exam and working experience)

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

Comments

##### 110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

( X ) Yes

( ) No

Comments - If yes, please specify:

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

[ ] an authority made up of judges only

[ ] an authority made up of non-judges only

[ X ] an authority made up of judges and non-judges

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

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

( ) Yes

( X ) No

Comments

##### 112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

Yes

No

Comments - If yes, please specify:

**113. What is the procedure for judges to be promoted? (multiple answers possible)**

Competitive test / Exam

Other procedure (interview or other)

No special procedure

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

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

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

Other = Selective and specialization tests.

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

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

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

statutory independent

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

other (please specify): .....

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

**115-1. Does the law or another regulation prevent specific instructions to prosecute or not,**

**addressed to a prosecutor in a court.**

Yes

No

Comments - If yes, please specify:

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

mainly through a competitive exam (open competition)

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

a combination of both (competitive exam and working experience)

other (please specify): .....

Comments

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

an authority composed of public prosecutors only

an authority composed of non-public prosecutors only

an authority composed of public prosecutors and non-public prosecutors

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

**117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

Yes

No

Comments - If yes, please specify:

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

Yes

No, please specify which authority is competent for promoting public prosecutors .....

Comments

**119. What is the procedure for prosecutors to be promoted? (multiple answers possible)**

Competitive test / exam

Other procedure (interview or other)

No special procedure

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

**119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

Yes

No

Comments - If yes, please specify:

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

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

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

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

- Yes
- No

Comments

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

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

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

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The Organic Law of the Judicial Power was reformed by Law 7/2015 and admits to postpone the retirement age until 72 years.

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

- For disciplinary reasons
- For organisational reasons
- For other reasons (please specify modalities and safeguards): .....
- No

Comments

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

- Yes, duration of the probation period (in years):2
- No
- NAP

Comments There is a period of practices and theoretical study of two years before the first profesional destination.

**123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until**

**the official age of retirement)?**

Yes, please indicate the compulsory retirement age:72

No

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

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

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

No

Comments 8 months

**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?**

Yes, what is the length of the mandate (in years)? .....

No

Comments

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

Yes, what is the length of the mandate (in years)? .....

No, what is the length of the mandate (in years)? .....

Comments

**5.2.Training**

**5.2.1.Training of judges**

**127. Types of different trainings offered to judges**

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

Comments

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

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

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

## 5.2.2. Training of prosecutors

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

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

Comments

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

	Frequency of the in-service training
<b>General in-service training</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

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

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

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

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

Comments

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

	Budget of the institution for the reference year, in €
<b>One institution for judges</b>	14547000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>One institution for prosecutors</b>	5873052 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>One single institution for both judges and prosecutors</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The figure provided for Institution of Prosecutors represents the Budget for training exclusive for Prosecutors in 2016. But the Centre of Legal Studies (CEJ) is in charge of the training of other bodies (Lawyers of the Administration of Justice, Forensics, State Advocates) and in 2016 managed other sum (9.250.140€) that also includes activities or expenses related with the training of Prosecutors (among other professionals).

The figure provided for Institution for Judges is the one indicated in the General Budget of the State for selection and training of Judges.

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

. Question not applicable

## 5.3. Practice of the profession

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

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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	48154 <input type="checkbox"/> NA <input type="checkbox"/> NAP	32753 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
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)	122818 <input type="checkbox"/> NA <input type="checkbox"/> NAP	72503 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	48154 <input type="checkbox"/> NA <input type="checkbox"/> NAP	32753 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	114181 <input type="checkbox"/> NA <input type="checkbox"/> NAP	67404 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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

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

Comments

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

NAP



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

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

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

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

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

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

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

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts: The total quantities paid among Prosecutors and Judges in 2016 for productivity were: Judicial Career Objectives: 6.338.892,68 euros, Judicial Career Substitutions 2.800.218,36 euros. Prosecutors Objectives: 3.180.406,88 euros, Prosecutors substitutions, 816.113,36 euros.

## 5.4. Disciplinary procedures

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

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

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

Comments

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

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

Comments

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

- Court
- Higher Court / Supreme Court

- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): .....

Comments

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

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):Ministry of Justice at proposal of the Prosecutor General and heard the prosecutorial Council
- Other (please specify): .....

Comments

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

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

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	41 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>1. Breach of professional ethics</b>	5 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. Professional inadequacy</b>	36 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>3. Criminal offence</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>4. Other</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - If "other", please specify: 2 - Delay 1 - To break the regime of incompatible activities (data for Prosecutors)

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

	Judges	Prosecutors
<b>Total number (total 1 to 9)</b>	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Fine</b>	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Temporary reduction of salary</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>6. Position downgrade</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>7. Transfer to another geographical (court) location</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>8. Resignation</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>9. Other</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

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

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

<p>Sources: Council for the Judiciary Memory of the General Prosecutor of the State</p>
---

**6.Lawyers**

**6.1.Profession of lawyer**

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



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

[ 142061 ]

[ ] NA

[ ] NAP

Comments Resident Lawyers (31 December 2016)

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

Yes ( )

No ( X )

Comments

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

[ ]

[ ] NA

[ X ] NAP

Comments

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

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil cases</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Dismissal cases</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Criminal cases - Defendant</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Criminal cases - Victim</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Administrative cases</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>There is no monopoly</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

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

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

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil society organisation</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Family member</b>	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Self-representation</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
<b>Trade union</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP
<b>Other</b>	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): "Procurador" is the representative of the parties in all kind of procedures (article 543 Organic Law Judicial Power). "Graduado social" (social graduate) can ensure the representation of the party in the labour procedure. The Lawyer can assume directly the representation in some kind of procedures. In some cases, specially small claims, it is allowed self-representation. Associations of Users and Consumers can assume the representation of a group of consumers in some civil cases (but these organizations will need also "Procurador" and Lawyer). The same happens to the Trade Unions in some labour matters.

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

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

Comments

**149-2. What are the statuses for exercising the legal profession in court?**

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

Comments

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

- a national bar association
- a regional bar association

a local bar association

Comments

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

Yes

No

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

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

Yes

No

Comments

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

Yes

No

Comments - If yes, please specify:

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

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

### 6.1.2. Practicing the profession



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

Yes

No

Comments

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

Yes

No

Comments

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

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

### 6.1.3. Quality standards and disciplinary procedures

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

Yes

No

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

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

the bar association

the Parliament

other (please specify): .....

Comments

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

the performance of lawyers

the amount of fees

Comments - Please specify:

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

the judge

the Ministry of Justice

a professional authority

other (please specify): .....

Comments

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

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



4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
----------	--

Comments - If "other", please specify:

## 162. Sanctions pronounced against lawyers.

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

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

## 7. Alternative dispute resolutions

### 7.1. Mediation

#### 7.1.1. Details on mediation procedures and other ADR

**163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.**

Yes

No

Comments

**163-1. In some fields, does the judicial system provide for mandatory mediation procedures?**

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: The Law 5/2012 on Mediation in civil and commercial matters set the mediation as a voluntary option (not mandatory). The exception is in labor matters. In these cases, the procedural Law says it is mandatory.

In the cases in which mediation is not mandatory, the Court is obliged in some phases of the proceeding to inform the parties about the

possibility of submitting the case to mediation. If the parties chose this option, the Court suspends the proceeding.

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

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

Comments

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

( ) Yes

( X ) No

Comments - If yes, please specify: The Law 5/2012 on Mediation in civil and commercial matters set that the competent Public Administrations would endeavor to include mediation within the free counseling prior to the process.

Law 42/2015 reformed the Law on legal aid and set that one of the points in legal aid is the information about the possibility of going to mediation (but the legal aid does not cover the mediation itself).

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

[ ]

[ X ] NA

[ ] NAP

Comments In the Registry of the Ministry of Justice there are 1160 private mediators registered who work in the whole territory. The mediation takes place out of Courts. The Court during the first hearing informs to the parties about the possibility of going to mediation, and can suspend the procedure if the parties decide to try the mediation.

The registry mentioned is voluntary (not mandatory), so the figure is a possible approximation. The number of Institutions of Mediation is 66.

**167. Number of judicial mediation procedures.**

	<b>Number of judicial mediation procedures</b>
<b>Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)</b>	15437 [ ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	951 [ ] NA [ ] NAP

2. Family cases	7336 [ ] NA [ ] NAP
3. Administrative cases	[ ] NA [ X ] NAP
4. Employment dismissal cases	4571 [ ] NA [ ] NAP
5. Criminal cases	2579 [ ] NA [ ] NAP

Comments - Please indicate the source: A reform of the Civil Procedural Law in 2015, introduced certain obligations of the Court and of the Judge to inform the parties about the possibility to bring the case to mediation. Accordingly, the number of civil and commercial cases, as well as the number of family cases increased in a significant way between 2014 and 2016.

No particular explanation can be provided in respect of the decrease in the number of judicial mediation procedures in criminal matters.

**168. Does the legal system provide for the following alternative dispute resolutions (ADR):**

- mediation other than judicial mediation
- arbitration
- conciliation
- other ADR (please specify): .....

Comments

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

Source: As indicated in the comment of the question

**8.Enforcement of court decisions**

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

**8.1.1.Functioning**



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

- Yes
- No

Comments

**170. Number of enforcement agents**

- [            ]
- NA
- NAP

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

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

Comments - Please specify their status and powers: Lawyer of the Administration of Justice

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

- Yes
- No

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

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

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

Other

- Yes with monopole  
 Yes without monopole  
 No  
 NAP

Comments

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

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

Comments

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

- Yes  
 No

Comments

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

- Yes  
 No

Comments

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

- a national body  
 a regional body  
 a local body

NAP

Comments

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

Yes

No

Comments

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

Yes

No

Comments

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

Yes

No

Comments

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

Source: As indicated in the general comment of the question 170, the function of enforcement agent as such does not exist in the Spanish legal system. Therefore, it is difficult to identify the number of civil servants being in charge of tasks related to enforcement within the first instance courts.

**8.1.2. Efficiency of enforcement services**



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

Yes

No

Comments

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

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify): Council for the Judiciary

Comments

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

Yes

No

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

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

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

Comments

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

- Yes
- No

Comments - If yes, please specify:

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

- Yes
- No

Comments - If yes, please specify:

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

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

Comments

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

- Yes
- No

Comments - If yes, please specify:

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

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

Comments

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

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

Comments If the party is represented by a Procurador or, if in other cases, the party is obligated to have electronic communications, the latter are very fast.

In other cases, the time depends on different circumstances (whether or not the person is in his/her house, for example) and may be more than five days, or even more than ten days.

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

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

Comments - If "other", please specify:

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

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



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

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

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

Source: Civil procedural Law.

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

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



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

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

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

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

- Yes
- No

Comments

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

- 80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

## 9. Notaries

### 9.1. Profession of notary

#### 9.1.1. Number and status of notaries

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

	Number of notaries
<b>TOTAL</b>	2889 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Private professionals (without control from public authorities)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Private professionals under the authority (control) of public authorities</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Public agents</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other</b>	2889 <input type="checkbox"/> NA <input type="checkbox"/> NAP

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

#### 192-1. What are the access conditions to the profession of notary:

diploma

payment of a fee (e.g. purchasing office)

co-opting of peers

other

Comments

#### 192-2. (Modified question) What is the duration of appointment of a notary?

Limited duration, please indicate it in years: .....

Unlimited duration

Comments

#### 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
- in the field of mediation
- other (please specify): .....

Comments

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

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

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

**194-2. As well as these activities, what are the other ones that can be carried out by notaries?**

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures
- Other

Comments

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

- Yes
- No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries?**

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- the Ministry of Interior
- other (please specify): .....

Comments

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

Yes

No

Comments

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

Sources: Notariat (Ministry of Justice)

## 10. Court interpreters

### 10.1. Details on profession of court interpreter

#### 10.1.1. Status of court interpreters

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

Yes

No

Comments

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

Yes

No

Comments

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

[            ]

NA

NAP

Comments

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

Yes

No

Comments - If yes, please specify:

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

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

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

No, please specify which authority selects court interpreters .....

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

Sources: Non Available data

**11.Judicial experts**

**11.1.Profession of judicial expert**

**11.1.1.Status of 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,
- "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).
- Other (please specify):Insolvency administrator

Comments

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

- Yes
- No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?)

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

- Yes
- No

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

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

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

Comments

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

- the proceeding
- the profession of expert
- other

Comments

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

- Yes
- No

Comments

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

- Yes
- No

Comments

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

- [ ]
- NA
- NAP

Comments

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

- The definitive remuneration is set by the expert himself, in accordance with the rules of his profession.  
 The initial provision of funds is approved by the Lawyer of the Administration of Justice.

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

- Yes
- No

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

**207. Are the courts responsible for selecting 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, please specify which authority selects judicial experts .....

Comments

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

( ) Yes

( X ) No

Comments

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

Sources: Civil Procedural Act

**12.Reforms in judiciary**

**12.1.Foreseen reforms**

**12.1.1.Reforms**

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

1. (Comprehensive) reform plans The New Judicial Office (Nueva Oficina Judicial) has been implemented in many territories and its development continues. The New Judicial Office (NOJ) has, as base, the called 'Procedural Unit of Direct Support (UPAD), a small office with personnel necessary for the strict aid of the work of the Judge. On the other hand, and for the uniform processing of repetitive tasks, the called Common Procedural Services have been created. The Lawyer of the Administration of Justice is the Director of these services, and is responsible of processing the phase of the judicial file of a strictly procedural nature. The Decrees of the Lawyer of the Administration of Justice can be appealed before the Judge. The common services are: Common Service of Procedure Ordinance (SCOP); Common Enforcement Service (SCEJ); Common Service of Communication Acts (SCAC).

2. Budget - The Permanent Commission of the General Council for the Judiciary approved this year the specialization of 54 Courts of First Instance, which from June 1 2017 have exclusive competence in the litigations related to financing contracts with real property rights whose borrower is a natural person.

A question that the Ministry of Justice and the Autonomous Regions have tackled in 2017 is the need for human and material resources for the Courts that have been specialized by the Council for the Judiciary in litigations related to financing contracts with real property rights whose borrower is a natural person.

- On the other hand, in the context of certain agreements with the majority trade unions in order to reduce the temporality in the public employ, it is foreseen a significant increase in the number of places in the Public Employment Offers for Justice for 2017, 2018 and 2019 with two lines of action: 1) Replacement rate of up to 100% is expected. 2) A process for the stabilization of public employment in order to reduce the temporary employment by offering places which have been occupied for at least three years by interim staff. This will allow the extraordinary call of thousands of places throughout the 2017, 2018 and 2019 financial years.

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) Prosecutor Office: It is intended to develop an instrumental organization that supports the activity of the Public Prosecutor. The organization would be characterized by its flexible, adaptable and evolutionary approach.

3.1. Access to justice and legal aid It is foreseen a reform for the Royal Decree on legal aid. The aim of the reform is to update the technical regulation applicable to the provision of legal aid, and introduce specific measures to expedite the processing of public funding for legal aid services provided.

4. High Judicial Council It is considered a reform for the Organic Law for the Judiciary in order to strengthen the independence of the Council for the Judiciary.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. - The Organic Statute of Lawyers of the Administration of Justice is going to be reformed. The idea general is the adaptation to the changes operated in the Organic Law for the Judiciary by the reform of 2015. In the new structure of the Judicial Office they are the Directors of the Common Services and of the Judicial Office. - A reform on the Statute General for Lawyers is foreseen. The aim is to adapt the legal regime applicable to the Lawyers and its corporate organization to the changes that have taken place in the Spanish legal system since the approval of the General Statute of Spanish Lawyers in 2001  
- Law regulating the profession of interpreters, translators and experts: It is aimed to create an Official Register of Experts, Translators and Judicial Interpreters for the scope of the Administration of Justice, in order to guarantee a high professional quality of experts, translators and interpreters.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities Foreseen reforms:  
- Civil Procedural Law: The main objectives pursued with the reform are: 1) To continue with the adaptation of the proceeding to the New Technologies. 2) Improvements in the enforcement of judgments, such as those relating to the unification and simplification of enforcement procedures. 3) Simplification and streamlining of civil procedure.  
Other objectives of the reforms for the Civil procedural Laws is to promote the Mediation and other ADR options.  
- Criminal Procedural Law: With a view to a longer term, the intention of the reform would be modernizing and streamlining our criminal process. The current Law is from 1882 even though it has been reformed many times.  
- Civil Registry reform: At the technical level, its purpose is a computerized and electronically accessible Civil Registry. This will be accompanied by some organizational reforms. All of this is foreseen in the law of 2011 on Civil Registry that laid down that “the Civil Registry is electronic. The data will be subject to automated processing and will be integrated into a single database whose structure, organization and operation is responsibility of the Ministry of Justice in accordance with this Law and its development norms”. The main objective is the entering into force of this Law. - It is also possible the reform on the Law on Court Fees, among other reasons, to adapt it to the Judgment of the Constitutional Court 140/2016 and others that have declared the nullity of certain fees to appeal and, in



general, the variable part of the fees.

- A reform for the Criminal Code. The reform would aim, among other objectives to transpose certain EU Directives (Directive 2014/57/EU on criminal sanctions for market abuse; Directive EU 2017/541 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA; Directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests by means of criminal law).
- A Law regulating the (fundamental) right to defense is considered with the aim to develop the fundamental right to defense in those aspects common to all jurisdictions. Other on-going reforms:
  - Law on actions for damages for infringements of the competition law, in order to transpose the UE Directive.
  - Reform of the Civil Code and the Civil Procedural Law on the matter of disability.
  - Reform of the general Law on Protection of Consumers and Users.

7. Enforcement of court decisions One of the objectives of the reform for the Civil procedural Law aims to streamline and simplify the enforcement proceeding.

8. Mediation and other ADR As said above, among the objectives of the reforms for the Civil procedural Laws it is to promote the Mediation and other ADR options.

9. Fight against crime The reforms on Criminal Procedural Law aims to this objectives, also the Agreement on Violence against Women.

9.1. Prison system It is under the competency of the Ministry of Interior, that would be the competent in order to prepare a reform on the Penitentiary Acts.

9.2 Child friendly justice The plenary of the Parliament has ratified on 28 September 2017 the report approved by the Equality Commission that raises proposals for action in all areas and demands the financial resources for the correct implementation of these policies, with an increase in the economic allocation.

The agreement was ratified by Autonomous Regions at 27 December 2017.

This agreement against gender violence includes measures to protect children of women victims of violence.

9.3. Violence against partners The plenary of the Parliament has ratified on 28 September 2017 the report approved by the Equality Commission that raises proposals for action in all areas and demands the financial resources for the correct implementation of these policies, with an increase in the economic allocation. The agreement was ratified by Autonomous Regions at 27 December 2017.

10. New information and communication technologies All the reforms mentioned contain measures to implement new technologies and improve electronic and safe communications among the actors implied in the Administration of Justice. On the other hand, regarding IT systems for Justice, the implementation of New Technologies in the field of the Administration of Justice is a priority for the Ministry of Justice. The Law 18/2011, 5 July, regulating the use of information and communication technologies in the Administration of Justice laid down that citizens and professionals have the right to relate with the Administration of Justice using electronic means. In this context it is being implemented in the territories under the competence of the Ministry of Justice the project "Justicia Digital" (Digital Justice). Justicia Digital is the technological and operative solution that will allow the judicial offices of the territory of the Ministry the electronic treatment of the information. The project aims to provide the judicial bodies with a system that supports the electronic judicial file, allowing the offices to work digitally and move towards zero paper. So, it intends to obey the Law 18/2011, create a methodology of work between users and the Systems of information (processing handbooks), and to develop the system "Minerva Digital" (current procedural management system) to achieve complete electronic processing of the judicial file.

"Justicia Digital" is composed by several systems: - Minerva Digital, is the procedural management system. - File Uploader, for the electronic reception of administrative files. - Electronic Signature, that allows the electronic signature or rejection of a document. - Lexnet is a secure information exchange platform between the Judicial Bodies and legal operators who need to exchange court documents (notifications, writs and lawsuits) in their daily work. - Visor, is the system that completes the functions of Lexnet, it allows to view the electronic documents of the proceedings, those presented by the parties and those generated in the Court, forming the electronic judicial file.

The Office for asset recovery and management (ORGA): The Office is set out as an auxiliary administrative body within the Administration of Justice, with the purpose of fulfilling a significant role in locating and managing assets derived from crime, in order to facilitate the confiscation tasks of judges and courts within the framework of criminal proceedings. The Royal Decree 948/2015 of 23 October regulates the Office, and the Order JUS/188/2016 of 18 February determines the scope of action and the start of operation. Now, it's being contemplated a new Royal Decree for the management of the Office.

11. Other - A new technological innovation that affects Lawyers and "Procuradores" (and Lawyers of the Administration of Justice) is the new Electronic Registry for powers of attorney (REAJ, registro electrónico de apoderamientos judiciales), configured as a new medium to accredit the representation in the exclusive scope of the Administration of Justice.