

The language version you are now viewing is currently being prepared by our translators.

Spanish

Please note that the following languages have already been translated.

Swipe to change

National case law

Spain

In Spain, caselaw is not considered to be a source of law since Article 1.1 of the Civil Code states such sources to be the law, custom and the general principles of law (Art. 1.1 CC). Nevertheless, Article 1.6 of the Civil Code states that caselaw 'shall complement the legal system with the doctrine which is repeatedly established by the Tribunal Supremo (Supreme Court) when interpreting and applying the law, custom and the general principles of law'.

Access to CaseLaw

Article 560.1.10 of the Ley Orgánica del Poder Judicial ('LOPJ') (Organic Law on the Judiciary) states the areas of jurisdiction of the Governing Council of the Judiciary as 'the official publication of sentences and other decisions handed down by the Supreme Court and other legal bodies.

To this end, the Governing Council of the Judiciary, after receiving advice from the relevant Administrations, sets out regulations regarding the manner in which the electronic records of sentences are to be drawn up, how the sentences are to be reported, handled, announced and certified, in order to ensure the integrity and authenticity thereof and access thereto, as well as to ensure compliance with legislation on the protection of personal data'.

In order to comply with the provisions set out in the law, in 1997 the Governing Council of the Judiciary created the Centro de Documentación Judicial (legal documentation centre), CENDOJ, based in San Sebastián.

The configuration of this new public service providing access to the caselaw produced in the various judicial bodies in the best possible technical conditions, as well as with special protection for people with regard to the handling of automated data, is based on the mandates and opinion generated by various plans, planning declarations of a political nature and rules generated in various spheres.

The database of the Official State Gazette, which contains information about constitutional caselaw, must be added to the CENDOJ database.

There are also private databases, with restricted access in return for payment of a fee.

Presentation of CaseLaw

As regards the caselaw of the Supreme Court, CENDOJ has created a technological platform which is structured around a navigation system based on tabs. When a search is carried out, a tab opens entitled RESULTS (which collates the results obtained) and another tab entitled SEARCH (which enables you to go to the form at any time)

The searcher is able to access all court decisions from the Supreme Court quickly and securely. The search for decisions can be carried out by means of selection fields which identify or classify the said decisions, and/or by means of empty text fields.

You also have the option of directly accessing the last 50 decisions of each court, by clicking on the buttons which appear in the lower part of the screen. In this way you are able to access the most recent decisions to have been received and incorporated into the database which constitutes the corpus of caselaw.

Searches by selection fields

Some information fields for the decisions can be limited by a set of possible values. For example:

'Jurisdiction' box: select the area of interest: civil, criminal, contentious administrative, employment, military.

'Type of Decision' box: enables you to select either Sentences, Orders or Agreements of the Supreme Court

Date of Decision: the 'Calendar' button enables you to limit the search between dates

Language: movable button which enables you to select the language of the decisions which you want to access.

Searches by free text fields

In addition to selection fields, there are also other fields in the decisions which do not have set values but rather can contain any text string, with which we have to carry out free searches.

RESULTS

Once a search has been made, the default presentation for the results is in pages of 10 by 10.

The results are presented as follows:

RELATED TERMS, the system automatically offers terms associated with the search made.

TITLE, the ROJ number of the recovered caselaw is shown.

SUBTITLES, the following data fields are shown:

Type of Body: for example, Supreme Court. Military Division

Municipality: for example, Madrid -- Section: 1

Rapporteur: for example, ANGEL JUANES PECES

Appeal No.: for example 88/2007 -- Date: 26/06/2008

Type of Decision: for example Sentence

Body, alphabetical order

Finally, if you click on the title of the result you want, a new page opens showing the full contents of the document obtained. This document opens in PDF format.

Format

The sentences are usually available on the databases in PDF, RTM and HTML formats

Sentences and orders available

Supreme Court

Supreme Court: Its CaseLaw is published in full online and free of charge for you to read. The full texts are available, with personal data removed and with an efficient search engine which works on the texts of all decisions. You can access this database at [CENDOJ TS](#).

Other Courts

The CENDOJ database provides the public, free of charge, with the orders and sentences issued by the Audiencia Nacional (National High Court), the Tribunales Superiores de Justicia (High Courts of Justice) and the Audiencias Provinciales (Provincial Courts).

Further proceedings

Is information available?

On appeals?

On whether the case has been resolved?

On the outcome of appeals?

On the irrevocability of the decision?

On other proceedings?

No. The only information available is the full text of the sentences. Information about the continuation of the process comes from the sentence itself, not the database.

Publication rules

Are there any rules governing the publication of caselaw at national level or depending on the type of Court?

Article 107 of the LOPJ states that the General Council of the Judiciary is responsible for the official publication of sentences and other decisions issued by the Supreme Court and other judicial bodies.

There are also publication rules in the Regulation which creates the Centro de Documentación Judicial (legal documentation centre).

Is the whole sentence published or just a selection? In the case of the latter, what criteria are applied?

Sentences are published in full.

Related Links

[Legal Documentation Centre's caselaw search engine](#)

Last update: 12/03/2019

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.