About the network

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The functioning of the EJN in Spain

In Spain, under Article 33 of Law 16/2015 of 7 July 2015 regulating the status of Spain's national member in Eurojust, conflicts of jurisdiction, international judicial cooperation networks and staff of the Ministry of Justice posted abroad, the appointment and removal of the Spanish contact points for the international judicial cooperation networks, under the terms of the rules setting them up, falls within the competence of the Ministry of Justice.

The appointment must be made from among persons with proven experience in international legal cooperation and good command of English or French, as applicable, and must ensure, at least, representation of the judiciary, the Public Prosecutor's Office (*Ministerio Fiscal*) and the Ministry of Justice. To that end, it is the responsibility of the General Council of the Judiciary (*Consejo General del Poder Judicial*) and the Prosecutor General (*Fiscal General del Estado*) to propose to the Minister of Justice the appointment and removal of the contact points for the relevant professions. The status of contact point ends as soon as the person concerned stops working for the institution that proposed their appointment. This must be notified to the Ministry of Justice, which must inform the Network's Secretariat.

The Spanish contact points for the international judicial cooperation networks are active intermediaries with the task of facilitating cooperation between the judicial authorities of the different States. They are available to the relevant Spanish authorities, as well as all the other contact points, providing them with the legal and practical information necessary to improve judicial cooperation. The Spanish contact points must forward annually the statistical data regarding their activity to the institution to which they belong.

Contact points

In Spain, the Network contact points are located in the Ministry of Justice, the General Council of the Judiciary and the Prosecutor General's Office (*Fiscalía General del Estado*). There are currently 8 contact points, distributed as follows:

6 contact points appointed by the Ministry of Justice – 2 in the Subdirectorate-General for International Legal Cooperation (*Subdirección General de Cooperación Jurídica Internacional*) and 4 court registrars (*Letrados de la Administración de la Justicia*);

1 contact point appointed by the General Council of the Judiciary;

1 contact point appointed by the Prosecutor General's Office.

Central authority

In Spain, the Directorate-General for International Legal Cooperation and Human Rights (*Dirección General de Cooperación Jurídica Internacional y Derechos Humanos*) of the Ministry of Justice is the central authority in the field of international judicial cooperation in civil and commercial matters.

Liaison magistrates

Spain already has a legal provision requiring that prominent liaison magistrates of a Member State of the European Union become contact points of the European Judicial Network and act as contact points under Article 34 of Law 16/2015 of 7 July 2015. This status ends when their status as liaison magistrates ends. Spain has appointed a Liaison Magistrate in the following countries: the United Kingdom and Ireland, the United States of America and Canada, Morocco, and Belgium, the Netherlands and Luxembourg.

Other judicial or administrative authorities with responsibility for judicial cooperation

In Spain the following internal mechanisms with responsibility for international legal cooperation are in force:

The Spanish Judicial Network for International Judicial Cooperation (*Red Española de Cooperación Judicial Internacional*, REJUE), coming under the General Council of the Judiciary, whose aim is to assist Spanish judicial bodies who so request as regards judicial cooperation requests issued or received by them in the performance of their judicial activities, and to assist other members of judicial cooperation networks. The members of the Spanish Judicial Network for International Judicial Cooperation may make their membership of this network compatible with their membership of the European Judicial Cooperation Networks. Accordingly, the Spanish Magistrates of the Spanish Judicial Network for International Judicial Cooperation (Civil Division) are members of the European Judicial Network in civil and commercial matters, facilitating contacts with their counterparts in other countries of the network in the performance of their duties.

The Network of International Legal Cooperation Prosecutors (*Red de Fiscales de Cooperación Jurídica Internacional*), created in 2002 in order to provide a service specialising in international legal cooperation matters in each Prosecutor General's office.

The prosecutors in this Network who are experts in international cooperation help to channel, guide and provide international judicial assistance swiftly and effectively.

The Network of Court Registrars (*Red de Letrados de la Administración de Justicia*, RECILAJ) is a coordinating structure at national level established by the Ministry of Justice in 2010. It is formed of court registrars who specialise in international legal cooperation and help the various Judicial Offices (*Oficinas Judiciales*) to solve queries and questions regarding international legal cooperation.

Professional associations

In Spain there are the following professional associations representing legal professionals which directly contribute to the application of Union acts and international legal instruments regarding judicial cooperation in civil and commercial matters:

the General Council of Notaries (*Consejo General del Notariado*);

the General Council of Spanish Lawyers (*Consejo General de la Abogacía Española*);

the Association of Property and Commercial Registrars in Spain (*Colegio de Registradores de la Propiedad y Mercantiles de España*);

the General Council of Legal Representatives in Spain (*Consejo General de Procuradores de España*).

Information about the Network

The Spanish Ministry of Justice – providing information on International Legal Cooperation and International Judicial Assistance – gives a link on its website to that of the European Judicial Network in civil and commercial matters, available at: Cooperación Jurídica Internacional (mjusticia.gob.es)

The General Council of the Judiciary in Spain provides information on the European Judicial Network in civil and commercial matters on its website https://www.poderjudicial.es/cgpj/es/Temas/Redes-Judiciales/Otras-redes-judiciales/Red-Judicial-Europea-Civil-y-Mercantil/ , where there are also links to the European Judicial Atlas in civil and commercial matters, as well as to the European e-Justice Portal.

The Prosecutor General’s Office provides information on the European Judicial Network in civil and commercial matters on its website.

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