European Parliament
2024-2029

Committee on Civil Liberties, Justice and Home Affairs

4.5.2026

MISSION REPORT

following the Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG) mission to Madrid, Spain, 16-17 February 2026

Committee on Civil Liberties, Justice and Home Affairs

Members of the mission:

Javier Zarzalejos	(PPE) (LIBE Chair)
Raquel García Hermida-van der Walle	(Renew) (Co-Chair for the DRFMG)
Alessandro Zan[1]	(S&D)
Jorge Buxadé Villalba	(PfE)
Assita Kanko	(ECR)

[1] Mr Alessandro Zan and the S&D group do not agree with the content of the report on the outcome of the mission. The S&D group believes this mission report does not reflect entirely what was witnessed and the information gathered during the DRFMG mission to Spain.

Introduction

The delegation of the Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG) of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) carried out a fact-finding mission to Madrid on 16-17 February 2026 on the current state of the rule of law in Spain. The purpose of the visit was to collect first-hand information, hear from a broad range of interlocutors and document recent legal, institutional and policy developments, in particular in relation to the independence of the judiciary and the effectiveness of the fight against corruption. The mission was a follow-up to the DRFMG discussions on the rule of law situation in Spain of 24 September 2025, as well as to recent exchanges in LIBE committee meetings[2], and to several plenary debates[3] related to this topic.

Over the course of two days, the delegation met with a broad range of Spanish authorities and stakeholders, including representatives of the Ministry of Justice; parliamentarians from the Congress of Deputies Justice Committee; the President and members of the Supreme Court and the members of the General Council of the Judiciary; the President of the Constitutional Court; the Prosecutor General and representatives of the Anti-Corruption Prosecutor's Office; the Independent Authority for the Protection of Whistleblowers; and the Ministry of Interior - Civil Guard. The delegation also held discussions with judges' and prosecutors' associations, civil society organisations active in the fields of the rule of law, transparency and anti-corruption, equality and non-discrimination, as well as with media representatives, and academic experts.

Meetings with the Prime Minister, the Minister of Justice, state-owned enterprises and Spain's public broadcaster RTVE were also sought, but those meetings could not be confirmed.

Media coverage

From 16 to 18 February 2026, the DRFMG mission to Spain was covered on at least 4 television channels, 6 radio stations, 7 newspapers, and 24 websites. A total of 11 media attended the press conference held at the European Parliament on 17 February. At least 62 news items covering the mission were published.

Summary account of meetings

Day 1, 16 February 2026

9:00-10:00 Meeting with civil society organisations working horizontally on the rule of law

Representatives of civil society pointed to what several interlocutors described as a progressive politicisation of Spain's judiciary, noting that the long-standing blockage of the General Council of the Judiciary has recently been overcome, but warning that the current system -

[2] On "Judicial independence and Rule of Law Developments in Spain" during the 13 October 2025 LIBE committee meeting and on the "Proposed Reform of Popular Prosecution and Media Use in Spain" during the 8 April 2025 LIBE committee meeting.

[3] "Safeguarding the rule of law in Spain, ensuring an independent and autonomous prosecutor`s office to fight crime and corruption" (2025/2759 (RSP)); "Protecting the Rule of Law against impunity in Spain" (2023/2519 (RSP)); "Rule of law in Spain" (2023/2626 (RSP)); "Threat to rule of law as a consequence of the governmental agreement in Spain" (2023/2992 (RSP)).

where members are elected by Parliament - continues to raise concerns regarding political influence over judicial governance. Some argued that reforms should ensure that judges are elected by their peers with appropriate safeguards, avoiding both party quotas and corporate influence from judicial associations. Several interlocutors referred in this regard to longstanding recommendations from European institutions calling for reforms that would strengthen the independence of the judicial governing body.

Concerns were also raised about the independence of the Public Prosecutor's Office: a draft law is seeking to decouple the mandate of the General Prosecutor from the government's term but currently lacks a stable parliamentary majority in Congress, leaving uncertainty as to whether structural safeguards for prosecutorial independence will be strengthened. Some participants also highlighted that the perceived proximity between the executive and the Prosecutor General's Office may undermine public confidence in the impartiality of prosecutorial action.

Broader concerns were raised by some civil society organisations about what they described as a weakening of anti-corruption efforts and broader institutional instability, with frequent turnover in key positions and political parties placing preferred individuals at the head of state-owned companies soon after they left political mandates. Several participants considered that such practices contribute to perceptions of political patronage and weaken public trust in the neutrality of public institutions.

Weak transparency enforcement and limited protection for whistleblowers were also mentioned, the latter attributed to insufficient awareness of reporting channels and shortcomings in the effective implementation of existing safeguards. *Transparency International*'s 2025 report was cited, which indicates that Spain's corruption perception score has fallen to its lowest level since 2012. The report contains a series of recommendations, including full implementation of the Whistleblowers' Directive and all GRECO recommendations and a call for a more participatory national anti-corruption plan.

Civil society representatives noted that autonomous communities and other important stakeholders were not consulted with regard to this plan and that monitoring bodies lack sufficient resources. They also highlighted that a significant proportion of companies reports that corruption has affected public tenders and that the absence of an effective lobbying regulatory framework - with the draft law being blocked - represents a structural gap in Spain's transparency framework. Others mentioned some progress in reforming criminal procedural law, revising the careers of judges and prosecutors and tackling high-level corruption cases. Nevertheless, several participants stressed that such reforms should be accompanied by stronger institutional safeguards to ensure the independence and effectiveness of investigative and judicial authorities.

Some civil society representatives described a deteriorating societal environment marked by polarisation, declining trust, and economic pressure, including rising public debt and burdens on younger generations, and unequal access to education. A paper from *Transparency International* on the use of spyware and its repercussions on the privacy of individuals was also cited.

Further exchanges with Members addressed the need for updating the Constitution, given i.a. the absence of specific provisions on certain rights - such as health, housing, and environmental protection -, which would prevent individuals from seeking constitutional protection in these areas. Some participants mentioned that a notable share of Constitutional Court decisions

appear increasingly predictable along perceived political alignments, a perception which, according to some interlocutors, risks eroding confidence in the neutrality of constitutional adjudication. Others raised concerns about the decriminalisation of certain offences linked to the 2017 Catalonia events. While there was disagreement on the depth of the problems and the adequacy of reforms, the exchange reflected shared recognition of the importance of transparency, institutional balance and credible anti-corruption mechanisms for maintaining public trust.

10:00-11:00 Meeting with judges' and prosecutors' associations

Several associations of judges[4] and prosecutors described a deteriorating institutional environment, marked by stalled reforms, politicised appointments within the judiciary, open criticism from holders of public office of judicial decisions and insufficient resources. Several interlocutors stressed that these developments risk undermining both the effectiveness of the justice system and public confidence in the independence of judicial institutions.

Representatives of the larger judges' and prosecutors' associations[5] argued that the new 2025 draft law on judicial and prosecutorial careers, including the regularisation of substitute judges, undermines merit-based selection, while others[6]called it a much-needed modernisation of the profession. For some associations, the proposed reform raises concerns that political considerations could increasingly influence recruitment and career progression within the justice system.

Most[7]of the larger judges' and prosecutors' associations highlighted the conviction of the former Prosecutor General for leaking information as damaging to institutional credibility, whereas for other[8] representatives this was a sign that the rule of law is functioning. While some associations warned that expanding the powers of the prosecution service without safeguarding their independence would risk further politicisation, others defended proposals to shift investigative powers to prosecutors while judges would focus on safeguarding fundamental procedural rights, as they considered this to be closer to European standards. The widespread participation of judges and prosecutors in recent strikes related to the recent justice reforms initiated by the Government, was also mentioned. Several interlocutors pointed to severe low numbers of judges per capita, low number of prosecutors, chronic overwork, "hundreds" of judges that are in office on an interim basis and inadequate funding, all of which affect the justice system's effectiveness and Spain's declining corruption indicators by contributing to delays in judicial proceedings, including in complex corruption cases. The representatives of the professional associations showed support for decoupling the Prosecutor General's mandate from the government's term as a possible step towards reinforcing

[4] Data on the judges' associations and their representativeness is available here: https://www.poderjudicial.es/cgpj/es/Temas/Estadistica-Judicial/Estadistica-por-temas/Estructura-judicial-y-recursos-humanos--en-la-administracion-de-justicia/Asociaciones-Profesionales-Judiciales/. Similar information for prosecutors' associations could not be retrieved.

[5] Asociación Profesional de la Magistratura (APM) / Professional Association of the Magistracy, Asociación de Fiscales (AF) / Association of Prosecutors, Francisco de Vitoria Judges' Association.

[6] Jueces para la Democracia (JpD) / Judges for Democracy, Unión Progresista de Fiscales (UPF) / Progressive Union of Prosecutors.

[7] Asociación Profesional de la Magistratura (APM) / Professional Association of the Magistracy, Asociación de Fiscales (AF) / Association of Prosecutors, Francisco de Vitoria Judges' Association.

[8] Jueces para la Democracia (JpD) / Judges for Democracy, Unión Progresista de Fiscales (UPF) / Progressive Union of Prosecutors.

institutional independence, although some interlocutors stressed that such a reform would need to be accompanied by additional safeguards to ensure the impartial functioning of the prosecution service.

Broad support was expressed for the digitalisation of justice as a necessary step to improve efficiency and accessibility of the judicial system, provided that reforms are accompanied by adequate resources and coordinated implementation across the territory.

Upon questions received from MEPs, some representatives of the judges' and prosecutors' associations underscored the challenges posed by incompatible IT systems used in different regions, as well as the lack of adequate preparations in introducing digitalisation reforms. They reiterated that the justice system lacks resources to absorb structural changes. On access to judicial careers, several speakers agreed that the current examination system seems to be overly rigid and excludes varied talent, though there was no agreement on how to reform it. Several speakers underlined that bypassing the established thresholds for current assistant judges seeking access to judicial careers would raise concerns of fairness and could undermine overall quality standards. Concerns were also raised about political influence in appointments in the justice system, the fairness of pardons, and delays in corruption cases. While disagreement persisted over the scope and impact of the changes, there was broad consensus that more resources, better coordination between central and regional authorities, and stronger institutional safeguards are essential to ensure an effective and independent justice system.

11:30-12:30 Meeting with media actors and organisations

RTVE's journalists' council, *Consejo de Informativos*, described long-standing efforts to secure the independence of Spain's public broadcaster through internal news boards elected every two years. It explained that flaws in the governance system, including the collapse of an open competition for leadership and subsequent political negotiations, have resulted in a temporary presidency evolving into a political appointment and more powers concentrated in the presidency. According to the *Consejo de Informativos*, these developments have weakened the institutional safeguards intended to ensure editorial independence within the public broadcaster.

It reported increasing political influence over news content, growing reliance on externally produced programmes, and signs of bias and warned that these trends risk undermining the credibility of the public broadcaster and the perception of impartiality in its news coverage. The Consejo representative also mentioned journalists facing public attacks, threats, and smear campaigns, and warned that RTVE still operates under an outdated 1985 law which, according to several participants, no longer reflects contemporary standards of governance, transparency and editorial independence for public service media.

FAPE, representing most Spanish journalists' associations, stressed that journalism is essential to democracy and called for stable, transparent public financing of media, clear and non-discriminatory criteria for institutional advertising, and safeguards to ensure that only media outlets adhering to professional standards benefit from public support. The representative emphasised that the allocation of public advertising must be transparent and free from political influence in order to prevent distortions in the media market. It highlighted rising threats and harassment against journalists, including from politicians with broad reach, and persistent obstacles in accessing official information. According to FAPE, attacks to journalists and political interference are also present at the regional public broadcasters. FAPE also stressed that these pressures, in particular from the far right, contribute to a climate of intimidation which

may discourage investigative journalism and weaken democratic accountability. Finally, it called for stronger safeguards for professional secrecy, including protection against SLAPPs and spyware.

In the discussion with MEPs, RTVE's Consejo explained that the broadcaster has seen its resources reduced and lacks stable multiannual funding, relying instead on annual state budget allocations which he considered that it undermined its independence. The Consejo representative noted that they have no access to detailed financial information, including the use of EU funds. It also described structural problems such as excessive outsourcing, limited powers for the news boards, and the absence of transparency in internal audits. FAPE added that Spain lacks a comprehensive public database on institutional advertising and that journalists frequently face barriers when seeking information from government ministries. According to the association, these obstacles hinder transparency and limit the ability of journalists to effectively scrutinise public authorities. Both organisations acknowledged Spain's improved ranking in the World Press Freedom Index, attributing progress partly to sustained pressure from professional bodies and partly to broader global comparisons rather than to domestic reforms. It was noted that women are well represented in both organisations and in journalism more broadly. Although there were disagreements over the interpretation of press freedom indicators and the extent of bias, the exchange highlighted shared recognition of the importance of pluralism, transparency and institutional guarantees for a resilient and independent media environment.

RTVE was invited to the meeting, but its leadership had indicated that it was not available to meet with the Delegation at the given time. The delegation expressed regret that the management of the public broadcaster was not able to engage directly with Members.

12:30-13:15 Meeting with equality and non-discrimination organisations

Fundación Pedro Zerolo, an LGBTIQ+ rights organisation, presented Spain's 15/2022 non-discrimination law and the 4/2023 law requiring companies with more than fifty employees to adopt LGBTIQ+ equality and anti-harassment plans as significant advances. However, it warned of the first signs of regression in certain autonomous communities, citing Madrid's reintroduction of medical reports for minors seeking gender-identity changes and the closure of an LGBTIQ+ memorial in Valencia as examples of steps backwards, though some measures have been suspended by the Constitutional Court. It defended gender self-determination as consistent with Spanish constitutional doctrine and criticised regional attempts to re-pathologize gender identity. Hate crime and hate speech, particularly against trans people, remain a major concern, with official statistics diverging from civil-society reports and many victims not filing complaints. Concerns were also expressed about rising hate speech in political discourse that normalises discriminatory positions, arguing that the EU should act to prevent regression. *Fundación Mujeres*, a women's rights organisation, described Spain as broadly advanced in gender equality, highlighting pioneering legislation on violence against women, equality plans, consent-based sexual-offence law and the active role of feminist organisations in institutional dialogue. At the same time, it acknowledged implementation gaps and ongoing social resistance, including debates around prostitution, gender identity and the practical application of the "only yes means yes" law. It warned against political rhetoric denying gender-based violence or questioning equality policies - which may pose a risk to acquired rights especially as some younger people begin to echo these narratives.

In the exchanges with MEPs, both organisations underlined that rights are not irreversible and

that political instrumentalization can undermine long-standing protections. *Fundación Mujeres* pointed to structural problems in ensuring access to abortion and support services. *Fundación Zerolo* reiterated that restricting minors' access to gender-identity procedures would contradict constitutional principles and warned against rollbacks when it comes to these issues. They also reiterated the need for a general non-discrimination law at EU level. Although differing perspectives on specific reforms were acknowledged, the discussion reflected a shared concern that rights require constant vigilance, strong institutional guarantees and consistent implementation to prevent erosion.

14:30-15:30 Meeting with the Justice Committee of the Congress of Deputies

The Chair of the Justice Committee emphasised the solid constitutional framework and noted that the Constitution has reached its 47th anniversary and provides solid guarantees for fundamental rights and effective checks and balances. Spanish MPs presented rather contrasting assessments related to the rule of law, with some of them pointing to structural problems in judicial independence, such as that the renewal of the General Council of the Judiciary in 2024 had not resolved underlying politicisation; political influence over the Public Prosecutor's Office; insufficient resources for the justice system; judicial backlogs. Others raised concerns about democratic backsliding by the frequent use of decree laws; legislative blockages; delays in presenting the national budget; unresolved corruption cases; alleged politicised behaviour by some judges; rushed reforms of the prosecution service and of RTVE. Some MPs argued that these developments may weaken institutional checks and balances and contribute to an increasingly confrontational political climate. Some other MPs claimed that the rule of law is being jeopardised with major parties "colonising" institutions, and alleging political control over the judiciary, prosecution service, and media. These representatives argued that such dynamics risk eroding the separation of powers and damaging public confidence in the neutrality of democratic institutions. The Amnesty Law was also criticised by some MPs, who argued that it raises concerns regarding equality before the law and the coherence of the legal framework, while others defended it as a legitimate political measure adopted within the constitutional framework. In contrast, other MPs defended Spain's democratic health, noting its high international rankings, stable parliamentary system, and independent judiciary, calling for a more objective debate. They defended anti-corruption efforts, criticised previous blockages of judicial renewals, and argued that perceptions of politicisation stem partly from segments of the judiciary engaging in political protest.

MEPs expressed concern about institutional deadlock and escalating rhetoric and inquired how Spain could reduce polarisation and strengthen cooperation on rule-of-law matters. They also inquired about the digitalisation of justice, the transposition of EU directives in the justice area and transparency in the use of EU funds. Spanish MPs responded along partisan lines: some voiced significant concern regarding the excessive use of decree laws, blocked legislation, insufficient negotiation and growing executive dominance and noted in particular the absence of a properly presented state budget and the government's repeated failure to appear before parliament for question time. Some highlighted planned reforms to strengthen prosecutorial independence and stressed that Spain is one of the recognized 20 full democracies in the world, with an independent judiciary. The debate underscored the deeply polarised political climate.

16:00-17:00 Meeting with the Prosecutor General and the Special Prosecutor's Office for Corruption

The Prosecutor General[9] and senior officials from the Spanish Public Prosecutor's Office outlined the ongoing reforms[10] aimed at strengthening autonomy, transparency, internal governance and efficiency of prosecution services. They mentioned that the reforms would expand the role of prosecutors, introduce clearer appeal mechanisms, and reinforce guarantees for fundamental rights by separating investigative functions from judicial functions. They argued that shifting criminal investigations from investigative judges to prosecutors would modernise the system, align Spain with European standards, and improve the handling of complex crime cases. Officials of Public Prosecutor's Office emphasised persistent structural challenges, particularly the lack of financial and organisational autonomy - the Prosecutor's Office has no independent budget and depends on the Ministry of Justice for staffing, IT systems, international engagements. Several representatives acknowledged that this institutional dependence may raise concerns regarding the effective autonomy of the prosecution service. They described outdated administrative structures, fragmented digital systems across regions, and limited capacity to design or manage their own technological tools. They highlighted the setting up of specialised units - including anti-corruption, environmental crime, violence against women, and international cooperation -, noting improved coordination with police forces, expanded technical capabilities, and better procedures for allocating cases. Furthermore, representatives highlighted progress in standardising pre-trial procedures, strengthening international cooperation, and implementing whistleblower protection mechanisms. The anti-corruption office reported strong public trust and international recognition but identified excessive delays between the end of investigations and the start of trials as a major problem, driven by case complexity, appeals, and the demands of international cooperation. Several interlocutors acknowledged that these delays can undermine the effectiveness of anti-corruption enforcement and affect public perceptions regarding the ability of institutions to address high-level corruption cases.

In the discussions with the MEPs, the Prosecutor General expressed support for reforms that would reduce political influence, prevent revolving doors and further strengthen impartiality. She stressed that reinforcing the structural independence of the prosecution service should be a central objective of the reform process. She rejected the idea that membership of professional associations determines career advancement, stating that many prosecutors do not belong to associations and that appointments are based on merit and experience. Asked about the negative corruption perception trend, she rejected claims of systematic deterioration of the anti-corruption framework, arguing that corruption perception may reflect greater effectiveness in uncovering cases. She acknowledged disparities in digitalisation across regions, noting that systems vary by territory and that coordination mechanisms exist, and stressed the need for budgetary autonomy. Several Members highlighted that improving interoperability between regional systems would be essential for increasing efficiency and transparency in judicial proceedings. Reflecting on her first 100 days in office, she stated that her appointment was broadly supported and that no mistrust was encountered from colleagues, institutions, or the media.

17:30-18:00 Meeting with the Independent Whistleblower Authority

The President of Spain's Independent Whistleblower Authority - created under Law 2/2023 and

[9] Newly appointed Prosecutor General on 10 December 2025, following conviction of the former Prosecutor General in November 2025.

[10] 3/2024 law reforming the Organic Statute of the Public Prosecutor's Office; 2025 draft law further reforming the Organic Statute of the Public Prosecutor's Office; 2025 draft organic law amending the Code of Criminal Procedure.

operating since late 2025 - presented the Authority as a key component of the country's anti-corruption framework. It has been functioning for five months but faces significant operational constraints due to the absence of a national budget since 2023. It currently relies on temporary funding channelled through the Ministry of Justice, which also provides IT and cybersecurity support. This dependence limits its autonomy. Of 22 authorised staff positions, only 14 are filled, with four more in recruitment, a level far below comparable regional authorities. The Authority receives around four complaints per day and has processed roughly 400 reports, granting protection to about twenty individuals. Its mandate includes protecting whistleblowers, managing an external reporting channel, issuing sanctions for non-compliance, publishing guidance, contributing to the national anti-corruption efforts, and promoting a culture of reporting. It can provide legal and psychological support, though this requires additional resources.

In exchanges with MEPs, the President of the Authority stressed that anonymity and protections under the law have improved confidence among potential whistleblowers, though awareness remains limited. Staff are recruited mainly from the public administration and receive specialised training, including from the Guardia Civil. Coordination with the Prosecutor's Office and with persons handling internal reporting channels across ministries is still being developed. Differing rules for reporting at regional level add complexity. When asked about specific cases, the President of the Authority mentioned that around half of the complaints come from the private sector, the other half from the public sector, with a significant number involving illegal financial practices, illegal environmental practices, contractual breaches, and breaches of public procurement rules. The Authority called for amendments to ensure protection for those reporting directly to prosecutors' offices, and for adequate staffing, a dedicated budget, expanded training and awareness-raising efforts for public officials, and better support for small municipalities. He also highlighted a gap in follow-up: once cases are referred to competent bodies, the Authority receives no information on outcomes due to legal and data-protection constraints.

18:00-18:30 Meeting with representatives of the Ministry of Interior/ Guardia Civil

The representatives of the Ministry of the Interior outlined anti-fraud and anti-corruption measures that were introduced in recent years, including a 2023 ministerial declaration of zero tolerance for corruption, an ethical code of conduct, good-practice guidelines, and setting up whistleblower channels. During the exchange with MEPs, ministry representatives explained that investigative units operate strictly under judicial and prosecutorial authority, with secrecy obligations and safeguards preventing political interference. Additionally, the ministry is developing a broader integrity system, including professional ethics plans and an ethics mailbox to help staff assess risks and appropriate conduct. They emphasised the need for stronger international cooperation, particularly on technology-related investigations such as child-abuse material and welcomed the EU developments in this area. In response to questions about politicisation, leaks, and the autonomy of investigative units (including UCO - Unidad Central Operativa), the ministry representatives reiterated that all operations follow judicial orders, that confidentiality rules are strict, and that integrity mechanisms are being strengthened. They also highlighted the importance of EU-level information exchange frameworks, and overall cross-EU cooperation. The representatives could not confirm nor deny the use of spyware, but remarked that were it to be used, it would be done under judicial control.

18:30-19:15 Meeting with academia

Academia specialised in constitutional and justice matters responded to questions from MEPs about the state of the rule of law in Spain. Several interlocutors stressed that Spain cannot be described as facing a systemic rule of law breakdown comparable to situations identified in other EU Member States. However, they noted that an accumulation of institutional tensions, controversial legislative initiatives and increasing political polarisation may, taken together, affect the overall quality and resilience of the rule of law framework. In their view, these developments deserve careful contextualisation and sustained institutional attention.

They acknowledged tensions around the composition of the General Council of the Judiciary and differing interpretations of the Venice Commission opinion[11], without considering these tensions as a structural threat to the rule of law in Spain, because they perceive the Council as operating reasonably independently. Additionally, they noted that debates over the appointment of the Prosecutor General are common in consolidated democracies and that the Spanish Constitution already establishes the prosecution service as an autonomous body, though public trust remains essential. Experts agreed that decoupling the mandate of the Prosecutor General from the government's term would strengthen its independence, but they also noted that past appointments raised questions due to perceived political proximity. On the Constitutional Court, speakers highlighted concerns about the perception that some magistrates may act according to political inclinations rather than legal expertise.

They warned that clashes between the Constitutional Court and the Supreme Court, including on the Amnesty Law, risk undermining institutional legitimacy. On access to the amparo proceedings[12], academics explained that the Constitutional Court cannot realistically hear the volume of individual complaints it receives and that most cases should remain within the ordinary courts. The challenge lies in refining the selection criteria rather than expanding access. The discussion also touched on legislative practice. Members expressed concern about the excessive use of royal decree-laws, the accumulation of blocked legislative initiatives, and the absence of a national budget for several consecutive years. Academics responded that the use of decree laws has been excessive across successive governments and that the Senate is indeed institutionally weak, but that these issues reflect political conflict and incentives to block rather than flaws in constitutional design. Finally, they noted that public trust in institutions of the justice system is low, partly because political actors publicly delegitimise judicial decisions when unfavourable. Citizens' perceptions are shaped by political rhetoric, media polarisation, and limited understanding of processes, they added. Restoring trust, they argued, requires restraint, clearer communication, and a renewed commitment to constitutional roles.

Overall, the academics identified a series of challenges affecting the functioning of the institutional system — including polarisation, declining institutional trust, controversies surrounding judicial governance, legislative practices and corruption perceptions. While they generally agreed that Spain continues to operate within a functioning parliamentary constitutional framework, they emphasised that restoring institutional dialogue, reinforcing checks and balances and strengthening public trust will be essential to safeguard the long-term resilience of the rule of law.

[11] Opinion on the manner of election of the judicial members of the General Council of the Judiciary, published by the Venice Commission on 13 October 2025.

[12] *Amparo* proceedings aim at seeking protection before the Constitutional Court against breaches of the rights and freedoms enshrined in Articles 14 to 29 and 30.2 of the Constitution originated by provisions, legal acts, omissions or simple actions of the government of the State, the Autonomous Communities and other public bodies. The only claim that can be enforced through the *amparo* is the restoration or preservation of the rights or freedoms.

Day 2, 17 February 2026

8:00-9:00 Meeting with the Constitutional Court

The President of the Constitutional Court explained that the Amnesty Law had followed the common legislative procedure, with a proposal coming from the Government, followed by oversight by both chambers of Parliament. He explained that the Court upheld the constitutionality of the Amnesty Law in June 2025, with only minor aspects struck down, following extensive written deliberations and an expedited procedure due to the fundamental rights involved. He stressed that the Spanish Constitution neither expressly regulates nor prohibits amnesty, leaving room for the legislator to act within constitutional boundaries, and that the Court's role was strictly to assess constitutional compatibility, not political desirability. He noted that several appeals were lodged by opposition parties and autonomous communities, and that the Court has addressed most of them to ensure legal certainty. Additionally, several preliminary questions have been lodged to the Court of Justice of the EU (currently pending). Reference was made to the Advocate General's opinion of 19 November 2025 stating that the Amnesty Law does not breach EU law or EU financial interests, though it still has to comply with international law and European Court of Human Rights (ECtHR) standards.

MEPs raised concerns about the alleged predictability of Constitutional Court rulings, the political background of some of the appointed members of the Court, a perceived conflict with the Supreme Court and broader rule of law issues such as the use of decree laws, legislative blockages, and the absence of a state budget. The President of the Constitutional Court responded that public opinion cannot influence the Court's rulings and emphasised the long judicial careers of most magistrates. He noted that political experience is common in constitutional courts across Europe and that 80% of its decisions are unanimous, with disagreements concentrated in a few politically sensitive cases. He rejected the narrative of a conflict with the Supreme Court, describing it as being media-driven, but acknowledged concerns about the deterioration of legislative practice and an increase in institutional conflicts between the Senate, Government, and Congress. He reiterated the established doctrine that decree laws require justification of urgency, hinting at excessive use of this instrument. On access to justice, the President of the Court explained that Spain is one of the few countries allowing individual constitutional complaints (amparo), but excessive filings historically hindered the Court's core constitutional role. Reforms introduced the requirement of "constitutional transcendence," and the Constitutional Court now accepts as admissible only around 200 cases per year. Finally, upon questions received from Members, the Vice-President of the Constitutional Court observed that the Constitution has been effective but could be updated, for example on succession to the Crown and gender equality. She highlighted how the Constitutional Court has expanded rights through case law, such as abortion rights and parental leave for single parents.

9.30-11.00 Meeting with the Supreme Court and the General Council of the Judiciary

The Supreme Court leadership stressed the key role of judicial independence for the rule of law. They explained that the Court has emerged from a difficult period (2021–2025) during which vacancies could not be filled because the renewal of the General Council of the Judiciary was blocked, creating severe backlogs. Although staffing has now stabilised, several chambers still face (tens of) thousands of pending cases and lack sufficient resources. The Court depends on the Ministry of Justice for its budget, staffing and IT systems, which it considers non-satisfactory from the perspective of full institutional autonomy. The Court's president and

chamber presidents described the Supreme Court's role as the highest body in Spain for judicial protections and noted its frequent interaction with the Court of Justice of the EU. They expressed concern about political attacks on judicial decisions, including reactions to recent ruling involving the Prosecutor General, warning that repeated delegitimization erodes the rule of law. In exchanges with MEPs, the judges discussed about access to the judicial career, the role of judicial associations, and the proposed shift of investigative powers from judges to prosecutors. They were of the view that the judiciary remains a meritocrat system, with competitive and rigorous examinations, with associations not determining career progression, and acknowledged that some modernisation of access to the judicial career is under discussion. They defended the balance of powers in criminal investigations while acknowledging that reforms must safeguard fundamental rights. On institutional tensions, they rejected claims of an institutional "war" between the Supreme Court and the Constitutional Court, they stressed regular dialogue with the Constitutional Court and adherence to its binding case law, while cautioning against media-driven narratives of conflict. The judges called for respect for judicial institutions, avoiding political instrumentalization of judicial decisions, and encouraging improvements in terms of resources and autonomy.

The representatives of the General Council of the Judiciary (GCJ) stated that the GCJ has fulfilled its legal obligation to submit proposals to Parliament regarding the appointment procedure for judges to become members of the GCJ. The Vice Presidents stressed that the Constitution does not prescribe a single model and that internal disagreement persists over whether Parliament should participate in the final phase of selecting the members of the GCJ. While some members of the GCJ support parliamentary involvement, others argue that judges should be elected exclusively by their peers, in line with Venice Commission and GRECO recommendations. Both proposals were approved by the GCJ and sent to Parliament. Answering questions raised by MEPs, representatives of the GCJ noted that excessive use of royal decree-laws leads to an insufficient consultation of the GCJ in the legislative process, and rebutted the perception that belonging to a judicial association may influence career progression, insisting that appointments are based on merit and that around half of judges do not belong to any association. Asked about the widespread use of temporary (interim) judicial posts to address staff shortages, the Council clarified that interim judges operate under the same statute as career judges, but that it opposed recent proposals to expand such temporary access routes, citing risks to independence and quality. Some representatives were of the view that the general examination procedure for judges fails to select the best judges. Additionally, GCJ representatives acknowledged rather low public trust in judicial independence, attributing it to perceived politicisation of the judiciary and public controversies involving the prosecution service, and calling for respect from political actors and institutions for judiciary.

15:00-15:45 Meeting with Ministry of Justice representatives

The senior officials representing the Ministry of Justice opened the meeting by stating that they considered the meeting to be of a predominantly technical nature. They proceeded to outline ongoing justice reforms and argued that the country is on the right track when it comes to the rule of law situation. Regarding the Venice Commission's opinion on the selection procedure for Members of the General Council of the Judiciary (GCJ), they emphasised its non-binding nature and the fact that there are various possible models that can be chosen for selecting members of the GCJ, while respecting European standards on the matter. They maintained that parliamentary involvement in appointments would not be inherently problematic (and it brings democratic legitimacy), as long as the goal of a non-politicised model is achieved. When it comes to the resources for the justice system, they argued that they need to be put into

perspective, taking into account the ongoing reorganisation of the justice system (notably through the efficiency bill 1/2025, which enables the creation of courts of instance replacing the current courts system). On digitalisation, they stressed Spain's complex territorial structure, with autonomous communities sharing competences in justice, and described coordination through a dedicated technical body. They pointed to the introduction of the electronic judicial file, full recording of hearings, videoconferencing under Royal Decree-Law 6/2023, automation of repetitive tasks, and efforts to ensure interoperability between regional systems, supported by €400 million from the Recovery and Resilience Facility.

The EP delegation expressed disappointment that the meetings with the Minister of Justice and the Prime Minister could not be confirmed. Concerns were raised by Members with regard to the lack of an agreed solution concerning the composition of the General Council of the Judiciary, insufficient budget for the Prosecutor General's Office or the General Council of the Judiciary. Additionally, concerns were raised about the high number of infringement proceedings against Spain for delayed or incomplete transposition of EU directives. Replying to these concerns, the representatives of the Ministry of Justice acknowledged the difficulty of rapid legislative changes in a fragmented parliament, but confirmed they monitor closely the transposition of directives, in order to obtain further progress. Overall, they maintained the view that the rule of law situation is stable, reforms are progressing, and converging views remain essential for changes to the appointment system at the General Council of the Judiciary. With regards to the transposition of EU directives, several pieces of legislation were mentioned, such as: the bill on official secrets; a new draft organic law on integrity; a draft law on asset recovery aimed at transposing the 2024 Directive on Confiscation and the intention of transposing the upcoming EU Anti-Corruption Directive.

Conclusions

The delegation welcomed the availability of a broad range of interlocutors to engage in constructive, open, and substantial exchanges on the rule of law situation in Spain. At the same time, the delegation notes with regret that meetings requested with the President of the Government, the Minister of Justice, state-owned enterprises and the public broadcaster could not take place. The delegation regrets that these key institutional actors were not available to engage with the mission, as such exchanges would have contributed to a more complete and balanced assessment of the situation. The absence of these meetings limited the opportunity for direct dialogue with the executive authorities and the public broadcaster on several institutional and legislative developments directly relevant to the rule of law and institutional accountability The absence of these key executive interlocutors limited the delegation's ability to obtain direct explanations from the Government. The delegation noted the variety of views expressed throughout the mission, as well as on a more general note - the lively debate that exists in the Spanish society on topics related to the judiciary, fight against corruption, media freedom and non-discrimination. It also noted concerns expressed by the interlocutors in relation with the alleged social polarisation and politization of justice.

Based on the exchanges held during the visit, the delegation formed the preliminary view that, overall, the discussions pointed to a rule of law system in Spain that remains structurally sound and embedded in a mature constitutional framework but marked by recurring institutional tensions and political polarisation. Spain continues to perform comparatively well in successive European Commission Rule of Law reports. None of the interlocutors suggested the existence of systemic backsliding. At the same time, the delegation observed a context of increasing

political polarisation, which is reflected in institutional dynamics and legislative practices.

While formal safeguards remain in place, these developments risk affecting the balance between institutions and, consequently, the effective functioning and perceived impartiality of the rule of law framework. In particular, ongoing debates surrounding judicial governance and institutional relations point to a growing tension that may undermine confidence in the neutrality and stability of the system. Independence of the judiciary

During the mission, judicial independence emerged as the most sensitive and structurally contested issue. The delegation identified the governance of the General Council of the Judiciary (CGPJ) as the principal point of divergence. Several interlocutors recalled that European standards, including recommendations of the Venice Commission and the Council of Europe, indicate that at least half of the members of judicial councils should be judges elected by their peers in order to safeguard judicial independence from political influence. The current system in Spain — whereby all members of the Council are elected by Parliament — continues to generate institutional debate and reputational concerns regarding the potential for political influence over judicial governance. The delegation further took note of discussions concerning the high number of interim judicial posts, the consultative role of the GCJ in legislative procedures, and the perceived influence of judicial associations in career advancement. Although none of the elements individually amount to systemic deficiencies, the delegation found that their cumulative effect contributes to declining public trust and reinforces the perception of politicisation. The delegation therefore notes that restoring a stable, depoliticised and broadly accepted framework for judicial governance will be essential to safeguarding the long-term credibility of Spain's rule of law system.

Anti-corruption framework

On anti-corruption, the delegation was informed of draft legislation on integrity and preparations for the transposition of the forthcoming EU Anti-Corruption Directive. The government presented anti-corruption reform as an ongoing priority, supported by administrative modernisation and digitalisation efforts. Nevertheless, the delegation found that questions remain regarding the resources and autonomy of prosecutorial and judicial bodies, as well as the broader political climate in which corruption investigations take place.

The delegation also took note of the most recent findings of the Council of Europe's Group of States against Corruption (GRECO), which highlighted that several of its recommendations addressed to Spain concerning the prevention of corruption among persons with top executive functions remain only partially implemented. GRECO has repeatedly called for stronger safeguards regarding transparency of contacts with lobbyists, regulation of conflicts of interest and more robust accountability mechanisms for senior public officials.

The delegation further notes that Spain's corruption perception indicators have declined in recent years, reaching their lowest level since 2012 according to Transparency International. This trend seems to reflect growing public concern regarding integrity and accountability in public life.

While the delegation did not identify structural deficiencies in the legal framework itself, several interlocutors stressed that delays in complex corruption proceedings and the broader political climate risk weakening public confidence in the effectiveness and impartiality of anti-corruption enforcement.

Other checks and balances

Concerning the broader system of checks and balances, the delegation took note of differing assessments regarding the use and the frequency of royal decree-laws. While constitutionally permitted, the delegation found that their recurrent use — especially in politically sensitive or structurally significant reforms — risks limiting deliberation and weakening consultative mechanisms, including the advisory role of judicial bodies. Since 2018, more than 120 royal decree-laws have been adopted by the Government, representing the highest number recorded in comparable democratic periods in Spain. Several interlocutors stressed that the systematic reliance on this instrument — constitutionally reserved for situations of extraordinary and urgent necessity — risks weakening parliamentary deliberation and reducing the role of institutional checks and consultative bodies.

Debate also touched upon the role of the Constitutional Court and its position within a highly polarised environment. Although the delegation found no indication of formal dysfunction, the intensity of political contestation surrounding institutional decisions can affect perceptions of neutrality.

The delegation also noted concerns regarding institutional tensions between the Congress of Deputies and the Senate concerning legislative procedures. Several interlocutors argued that procedural practices in the Congress, including the blocking or delaying of initiatives adopted by the Senate, risk undermining the Senate's constitutional role as a chamber of second reading and territorial representation. The delegation is of the view that ensuring transparent legislative processes, meaningful consultation, and a balanced relationship between government, parliament and constitutional oversight bodies will remain key to reinforcing the resilience of Spain's system of checks and balances.

In certain policy areas, access to timely and comprehensive official information can be limited, particularly in relation to detailed justifications of reforms, underlying data and impact assessments. Such limitations affect the ability of professionals, civil society and the public to scrutinise reforms in an informed manner.

Media freedom and pluralism

As regards media freedom, the delegation noted references to pending legislative initiatives concerning professional secrecy and the protection of journalists' sources, as identified in the Rule of Law report. While no allegations of systemic restrictions on media freedom were presented, interlocutors acknowledged the broader context of high political polarisation and its potential impact on public discourse, including concerns over independent governance of the public broadcaster RTVE, rising threats and harassment against journalists, and obstacles in accessing official information. The delegation also notes that an internal report by the Consejo de Informativos of RTVE — which will be annexed to this report — identified repeated breaches of editorial standards in certain programmes, including the use of current-affairs magazine formats incorporating political commentary and institutional messaging in ways that the Council considered incompatible with the standards of impartiality expected from a public service broadcaster. The delegation therefore records that ensuring robust safeguards for journalistic independence, including of RTVE, and source protection will be important to maintain public trust and pluralism, especially in a highly polarised political environment.

Equality and non-discrimination, including LGBTIQ+ and women's rights

In the field of equality and non-discrimination, including LGBTIQ+ and women's rights, the delegation did not identify claims of legislative rollback or non-compliance with EU standards. Although equality issues were not a dominant focus of the discussions, Spain was generally described as having an advanced legal framework in these areas. The delegation found that the principal challenge appears to lie not in formal protections but in maintaining broad societal consensus and political support for effective implementation in a politically fragmented environment.

In conclusion, the delegation considers that Spain's rule of law architecture continues to function within established constitutional parameters, with functioning institutions and ongoing reform efforts. However, the visit revealed persistent institutional disagreement, particularly concerning judicial governance, legislative practice, media independence and the broader institutional climate. The delegation is concerned that the persistence of political polarisation risks eroding public confidence over time. The delegation therefore concludes that the central challenge identified during the discussions lies not in the absence of formal safeguards, but in the need for broadly supported and stable arrangements capable of strengthening trust, reducing polarisation and ensuring that the operation of key institutions is perceived as impartial and consistent with European standards.

Final programme

16 February 2026, Monday

9:00-10:00	**Meeting with civil society organisations working horizontally on the rule of law** • Fundación Hay Derecho • Fundación Civismo • Transparency Internacional España • Fundación Alternativas
10:00-11:00	**Meeting with judges' and prosecutors' associations** • Asociación Profesional de la Magistratura (APM) / Professional Association of the Magistracy • Asociación de Fiscales (AF) / Association of Prosecutors • Jueces para la Democracia (JpD) / Judges for Democracy • Unión Progresista de Fiscales (UPF) / Progressive Union of Prosecutors • Francisco de Vitoria Judges' Association
11:00-11:30	**Coffee break**
11:30-12:30	**Meeting with media actors and organisations** • Consejo de Informativos of RTVE • Federación de Asociaciones de Periodistas de España (FAPE)
12:30-13:15	**Meeting with equality and non-discrimination organisations** • Fundación Pedro Zerolo (LGBTIQ+ rights) • Fundación Mujeres (Women's rights)
13.15-14.00	*Lunch break*
14:00-14:30	*Transfer from EPLO to the Parliament*
14:30-15:30	**Meeting with the Spanish Parliament (Congress of Deputies)** - Comisión de Justicia/ Justice Committee - *the Bureau and the Spokespersons of the Justice Committee*
15:30-16:00	*Transfer from Parliament to Prosecutor General's Office*
16:00-17:00	**Meeting with the Prosecutor General / Fiscalía General del Estado,** *Teresa Peramato Martín* and **Fiscalía Anticorrupción / Special Prosecutor's Office for Corruption,** *Alejandro Luzón Cánovas, fiscal jefe*
17:00-17:30	*Transfer to EPLO*
17:30-18:00	**Meeting with anti-corruption bodies** - Autoridad Independiente de Protección del Informante (AIPI) / Independent Whistleblower Authority, *Manuel Villoria Mendieta, President*

18:00-18:30	**Meeting with Guardia Civil / Ministry of Interior**
18:30-19:15	**Meeting with academia**
19:15	*Transfer to the hotel*

17 February 2026, Tuesday

8:00-9:00	**Meeting with the Constitutional Court** - *H.E. Cándido Conde-Pumpido Tourón, President of the Constitutional Court, accompanied by Vice-President, H.E. Ms. Inmaculada Montalbán Huertas and justice H.E. Mr. Ramón Sáez Valcárcel*
9:00-9:30	*Transfer to the Supreme Court*
9.30-11.00	**Meeting with the Supreme Court and the General Council of the Judiciary** - *H.E. Ms Isabel Perelló, President of the Supreme Court and of the General Council of the Judiciary of the Kingdom of Spain.* - *H.E. Mr Dimitry Berberoff, Vice-President of the Supreme Court of the Kingdom of Spain* - *Presidents of the Chambers of the Supreme Court* - *Members of the General Council of the Judiciary*
11:00-11:30	*Transfer to EPLO*
11.30-14.30	*Lunch break and preparation for the press conference*
14:30-15:00	*Transfer to Ministry of Justice*
15:00-15:45	**Meeting with Ministry of Justice representatives**
15:45-16:15	*Transfer to EPLO*
16:15-16:30	*Coffee-break*
16:30 -17:00	**Press conference**
17:00 - 17.45	*Bus transfer to the airport*