

Question for written answer E-004280/2025
to the Commission
Rule 144
Dolors Montserrat (PPE)

Subject: How the new Spanish Code of Criminal Procedures fits into EU law

The Spanish Government has approved the draft Code of Criminal Procedures, which makes criminal investigations the responsibility of the Ministry of Justice – whose attorney general is appointed by the Executive – and limits the recourse to popular accusation. Various judicial and prosecutorial associations have warned that this reform could compromise legal independence, the separation of powers, and effective remedy enshrined in Articles 2 and 19 of the Treaty on European Union (TEU) and Article 47 of the Charter of Fundamental Rights of the European Union.

The Commission's rule of law report recommended that Spain strengthen the Ministry of Justice's autonomy and make the fight against corruption more effective. However, this reform could instead weaken mechanisms for investigating crimes that impact the EU's financial interests and corruption.

1. Does the Commission consider this reform to be compatible with the values of the rule of law and legal independence, as provided for in Articles 2 and 19 of the TEU?
2. Will the Commission assess this legislation in the next rule of law report and will it first initiate a dedicated dialogue with the Spanish Government for it to be withdrawn?

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