

**Priority question for written answer P-002382/2025
to the Commission**
Rule 144
Borja Giménez Larraz (PPE)

Subject: Compliance with EU law of the procedure for regularising substitute judges in Spain

The Spanish Government has put forward a legislative proposal to regularise around a thousand substitute judges, allowing them to be admitted to the ordinary judiciary by means of an extraordinary system parallel to the ‘turno libre’ and ‘cuarto turno’ (respectively, open competitions and admittance of experienced legal professionals to the judiciary based on merit).

Spanish judicial associations have complained that such regularisation could violate the constitutional principles and EU law on access to public employment on the basis of equality, merit and ability (Article 45(2) TFEU), and affect judicial independence, as provided for in Article 47 of the Charter of Fundamental Rights of the EU.

In light of this situation:

1. Does the Commission consider that the mass regularisation of substitute judges – i.e. admittance to the ordinary judiciary through extraordinary channels and without respecting the principles of equality, merit and ability – is compatible with Article 47 of the EU Charter of Fundamental Rights and the case-law of the Court of Justice of the European Union on judicial independence?
2. Does the Commission consider that the rules allowing the successive contract renewal of substitute judges to cover structural and permanent needs are in breach of Clause 5 of the Framework Agreement on fixed-term work (Directive 1999/70/EC), and that this would justify a regularisation without an open competition?

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