

(English version)

**Question for written answer E-000103/25
to the Commission
Dolors Montserrat (PPE)
(13 January 2025)**

Subject: Judicial reforms in Spain

Spain's Prosecutor General, Álvaro García Ortiz, is currently accused of leaking secrets for political purposes. Meanwhile, the Spanish Government is preparing a reform of the Code of Criminal Procedure (LECrim) aimed at putting the Public Prosecutor's Office, rather than judges, in charge of investigations. This would give the government indirect control over the dismissal of criminal cases, including corruption cases. The government also wants to reduce the role of third-party interventions (*acusaciones populares*), which can prove decisive in corruption cases, keeping the government in check.

The General Council of the Judiciary (CGPJ) has warned that, in order to ensure the independence of the Public Prosecutor's Office, it is 'imperative' to review the way in which it operates before handing it responsibility for preliminary criminal investigations.

1. Does the Commission believe that the Public Prosecutor's Office — which is appointed and controlled by the executive — can take the place of judges and oversee investigations, guaranteeing procedural rights, with the independence, impartiality and transparency required under EU law?
2. Will it ask the Spanish Government about this reform and the *acusaciones populares* in view of the warnings from the CGPJ, prosecutors' associations and the judiciary?

Submitted: 13.1.2025

**Answer given by Mr McGrath on behalf of the European Commission
(10 April 2025)**

As the Commission noted in its Rule of Law Reports ⁽¹⁾, the organisation of national prosecution services varies across the EU, without there being a single model for all Member States.

The structure and status of the national prosecution systems is a competence of the Member States. However, institutional safeguards should be in place to guarantee that the prosecution is sufficiently autonomous and can carry out effective and impartial investigations without political interference.

On the reform of third-party intervention, the Commission is following closely the discussions in Spain.

The Commission is working with all Member States, including Spain, to uphold and promote the rule of law in the framework of the Rule of Law Mechanism.

⁽¹⁾ https://commission.europa.eu/document/download/62fdb34b-78d4-4d53-b9ea-67286facc01e_en?filename=23_1_52576_coun_chap_spain_en.pdf
and https://commission.europa.eu/document/download/2bd09a6f-ef56-494a-8303-e0de808ee981_en?filename=23_1_58063_coun_chap_spain_en_0.pdf