



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)



Statement by the ENCJ Executive Board and the European Association of Judges on the renewal of Spanish Council for the Judiciary (CGPJ)

Proper functioning of an independent judiciary is one of the cornerstones of the European Union. Independent justice systems in each Member State are crucial for ensuring the fundamental values of Art. 2 TUE, on which the European Union is founded, resulting in the benefit for all EU citizens.

Councils for the Judiciary (where they are established) act as an important safeguard for judicial independence. Provided that the Councils for the Judiciary are themselves independent, they can act as a buffer between the judiciary and the other branches of power in matters such as the appointment and career of judges or magistrates and in the management of the justice system¹.

The *Consejo General del Poder Judicial of Spain* has since December 2018 been operating on an interim basis and with limited powers since March 2021. This impasse affects CGPJ's ability to fully perform its duties, in particular to effectively carry out judicial appointments. This negatively affects the independence and functioning of the judiciary.

In light of the above, the ENCJ Executive Board considers that efforts should be made to enable the Judicial Council to re-establish its permanent functioning in order to become fully operational, as stated in the recommendations of 2022 and 2023 Rule of Law Reports for Spain: by renewing the Judicial Council and immediately afterwards launching the post-renewal process to align the appointment of its judges-members with European standards, including those of the ENCJ.

Taking note of the ongoing structural dialogue² initiated by the European Commission on January 26, 2024, aimed at facilitating a break of the deadlock situation, the ENCJ Executive Board and the European Association of Judges encourage all actors involved to work together towards resolving the current situation.

The ENCJ Executive Board

**President of the European Association of Judges
Mikael Sjoberg**

Brussels, 2 April 2024

¹ CJEU preliminary ruling of 2 March 2021, AB and Others (Appointment of judges to the Supreme Court – Actions), C-824/18, paras. 123-125, and case-law cited

² Structural dialogue on the implementation by Spain of the recommendation of the rule of law report related to the Spanish National Council for the Judiciary, [Press release of 26 January 2024](#), European Commission