

15 October 2020

Dear Commissioner Reynders:

We are writing to you to express our deep concern in relation to the rule of law regarding the proposed law to reform the General Council of the Judiciary (CGPJ) presented to the Spanish Congress of Deputies by the parliamentary groups of the Socialist Party PSOE and Unidas Podemos, both members of the coalition Spanish government.

According to this bill, which will be subject to accelerated process, the current majority of 3/5 of the Houses required for the election of the 20 members of the Council, will be reduced to a simple majority (half plus one of the members) for the election, precisely, of the 12 members who must be appointed among judges and magistrates according to Article 122 of the Spanish Constitution.

In practice, this reform would mean that a punctual majority of government at any given time could elect these 12 members of the Council, as the threshold of 3/5 of the Houses that guarantees the need for Government and Opposition to converge in an inclusive agreement would disappear, this constitutes a regression in the principles of the rule of law and independence judiciary in Spain.

Let us recall that the Spanish Constitutional Court, in its Judgment 108/1986 of 29 July (legal basis 13th), considered that the establishment of this qualified majority was a key element in ensuring the constitutionality of the procedure for the parliamentary election of the quota reserved for judges and magistrates in the composition of the Council, under Article 122 of the Spanish Constitution.

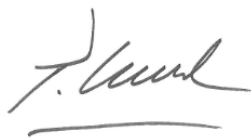
Immediately after this initiative became known, both the European Association of the Judiciary and three of the four Spanish judicial associations, which represent a very large majority of judges and magistrates, rejected in unequivocal terms the proposal and the purpose it pursues.

Finally, we would like to refer to the first annual assessment of the rule of law in the Union, which you presented on 30 of September. This assessment warned on the situation of the General Council of the Judiciary and the exposure of this body to the risk of politicisation.

We are aware that the Spanish Government, in the report it sent to you for the preparation of the evaluation, referred to the 3/5 majority for the election of the Council as the guarantee that prevented a partisan election. Thus, with this bill that guarantee disappears.

It is unacceptable in terms of respect for the rule of law that, when warned of the risk of politicisation of the governing body of the judiciary, the response of the Spanish Government and the parties that form it is precisely to remove the barriers that prevent the partisan election of judges and magistrates.

Therefore, dear Commissioner, on behalf of the Partido Popular and our delegation in the European Parliament, we kindly ask you to keep the proposed reform of the Spanish General Council of the Judiciary under review, without prejudice to the activation by the EPP of the most appropriate parliamentary mechanisms to safeguard respect for democratic values and the rule of law as set out in the Treaty of the European Union.



Pablo Casado Blanco
President of PP



Dolors Montserrat Montserrat
Head of PP Delegation in the European Parliament