



Adunarea Generala a Uniunii Europene

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Raport Spania

SPANISH REPORT. 2011

Dear President of the EUR
Dear General Secretary
Dear Treasurer
Dear Vice presidents
Leaders of delegations and colleagues from the E.U.R

Dear colleagues and friends:

It's a great honour, as a Spanish E.U.R Vice President, to have the opportunity of showing you the set of activities developed by the Colegio Nacional de Secretarios Judiciales.

This year we are meeting at Romania, more precisely in "the city of happiness", Bucharest. The Spanish delegates would like to express special thanks to our Romanian colleagues, not only for the excellent organization of the general assembly, but also for the really warm welcome. Thank you very much for the work and time you spent in all necessary arrangements.

Along the present year, a great deal of relevant events happened in our country, influenced by the global financial crisis. This frame leads to difficulties due to severe reductions of humans and material resources on the Spanish Justice System. In addition, the Spanish Government imposed cut down on the salary of the whole civil servants, so including the Secretarios Judiciales.

A new productivity evaluation system has been settled, overcoming historical problems. We support this initiative because the new system solves the problem of the old one, which courts declared null.

The Ministry of Justice published the tool called "Cuadro de mandos de gestion Procesal". It allows the Secretarios Judiciales to update information about the office



activity (litigation, process time, number of unresolved issues, number of sentences waiting for execution, pending, etc...)

Concerning the Statute of the Secretarios Judiciales, the Spanish Ministry of Justice proposed a new text of organic regulations, substantially similar to the old one, except the following items:

- It regulates the possibility of adopting governmental resolutions and appealing.
- It regulates the chance of attending official meetings through videoconferences.
- It reduces to two months the period of practical training for internal promotion.
- It sets on three years the extended leave of absence for family care (previously established on the Basic the Statute for Civil Workers)
- It establishes legal defence for the Secretarios Judiciales by the state attorneys.
- It includes regulations for the Spanish network of Court Clerks for International Legal Cooperation.

Honestly, we believe that the main task of the new regulation was to solve the internal problems in the Ministry of Justice and not the real difficulties involving the Secretarios Judiciales.

The development of the original law about law authorities dated 2003 and procedural reforms, approved by parliament, provide the Secretarios Judiciales higher relevance on the judicial processes, based on the recommendations of the law, as well as the Statute of the E.U.R, Recommendations R/86 (12) y R/94 (12) of the Committee of Ministers of the Council of Europe and Green paper for European Rechtspflegers.

In the Spanish system, a set of powers have been transferred from the Judge to the Secretario Judicial, according to the spirit of the Green paper for European Rechtspflegers.

The Secretario judicial is therefore responsible for different court procedures.

- In Previous procedural stage and allegation: conciliation civil and labour, admissibility of demands, control of procedural classes, previous exam of order for payment procedure, appealing procedure, authorisation of respite, address inquest, witness's compensation, supply specialist reporter and interpreter authorization.
- In the execution phase; Decree about enforcement measures, attachment, fines, Heritage inquest, accumulation, stay of execution, possession of property, auctions, agreement on judicial administration.
- Several special procedures like; claims against solicitors and counsel's fees. Procedures for the taxation of cost.

On this way, the judge can focus on sentencing to solve disputes and ordering executions.



It is of great interest, the reform of the Spanish court structure. The new Court Office is being first tested through different pilot experiences, mainly at the Central State Country offices. It consists of an ambitious initiative to modernise Courts, coming from the original law about law authorities dated 2003. The model was designed under political consensus among central State and regional governments. After several years, the law 13/2009 was enacted which reforms more than 20 procedural laws in order to settle the new court office. We congratulate on the good results in the pilots experiences. Statistic data about the new experience were recently known, showing signs of effectiveness.

On associative matter, it's of interest to point out our incorporation into the FEDECA (Association of Higher Civil Servants Federation), being the Colegio Nacional de Secretarios Judiciales part of the board. We also belong to CEAS (Centre of Study about Administration-Society). This centre was created to deliver relevant reports and to provide information to higher civil servants.

Next October, our XXV annual meeting will take place in Cádiz, coinciding with the bicentennial of the 1812 Cadiz Constitution, important in history since it was the first one enacted in Spain. The President of EUR, Thomas Kappl has confirmed his assistance to the closing ceremony.

Concerning to others activities, the CNSJ, through his foundation called Firm@, organized different courses and seminars. We also convened the legal special award "Colegio Nacional de Secretarios Judiciales - Thomsom Reuters Aranzadi".

The number of member into our association keeps growing year after year, so clustering the majority of Spanish Secretarios Judiciales.

Just to finish, thank you very much, once again, to our Romanians hosts and thanks you all for your attention.

The Spanish Vice-President of EUR
Alberto Tomás San José Cors