

Judiciary and Procedural Reforms in Spain, 2013

In his first appearance at the *Congreso de los Diputados* (House of Representatives), less than a year ago, the Spanish Minister of Justice announced a package of far-reaching measures or reforms for the Spanish justice: some address the judiciary, others affect the structure of different procedures, as well as complementary aspects. Among the former I'd like to highlight the already achieved amendment of the *Ley Orgánica del Poder Judicial*, Ley 6/1985, of July 1, by the Ley 4/2013, of June 28, reforming the *Consejo General del Poder Judicial*; and the proposal for a new *Ley de Demarcación y Planta Judicial* (the text prepared by the Institutional Committee established by Agreement of the Council of Ministers in 2012 was recently published). The proposal is based on the creation of *Tribunales de Instancia*, which will gather the current uni-personal tribunals and work at a provincial district level. Appeal hearings will correspond to the *Tribunales Superiores de Justicia* (instead of the actual *Audiencias*), which will culminate the judiciary in the corresponding Autonomous Community.

Among the latter it is worth mentioning the draft Bill of the Ministry of Justice aiming to amend the *Ley de Enjuiciamiento Civil*, Ley 1/2000, of January 7. The draft is devoted almost entirely to the so called *procuradores* (attorneys). Another draft Bill, this time from the Ministry of Economic Affairs, targets the same group and has met (not surprisingly) with fierce opposition, as it removes the existing fees and eliminates the incompatibility that has so far prevented lawyers to also act as *procuradores*.

From the cross-border perspective I'd like to recall the draft Bill on *Jurisdicción voluntaria*. Chapter one (Articles 9 to 12 of the Act) addresses the rules of Private International Law, meaning grounds of international jurisdiction, conflict of law rules, and effects in Spain of foreign decisions adopted on non-contentious proceedings.

Finally, last Friday the Spanish government adopted the *Real Decreto* that regulates the *Registro de Resoluciones Consursales*, where the results and the handling of bankruptcy proceedings are to be published in order to ensure transparency and legal certainty. The Real Decreto includes a provision on the

interconnection of Bankruptcy Public Registers of the European Union Members States.

So, something is on the move in Spain (although it's difficult to say whether in the good direction).