

**THE SPANISH JUDICIAL NETWORK ON
EUROPEAN UNION LAW**
*Inspiration, Work, Achievements and
Challenges*

Regulation of the REDUE

Regulation No. 1/2018, September 27

→ **Objective:** International Judicial Assistance and Judicial Cooperation Networks

Article 13: Integration of Judges and Magistrates into REDUE

✂ Operational Divisions:

- 1 **Civil Law** (Consumer Law, Area of Freedom, Security & Justice – Civil Cooperation)
- 2 **Commercial Law** (Competition, Intellectual Property, Industrial & Commercial Law)
- 3 **Criminal Law** (Area of Freedom, Security & Justice – Criminal Cooperation)
- 4 **Administrative & Tax Law**
- 5 **Social Law** (Labor & Social Security)
- 6 **General Aspects of EU Law**

Composition:

- ✓ Judges and magistrates in specialized jurisdictions
- ✓ **3 members per division** with national-level responsibilities
- ✓ **Coordinator elected for 2 years** (renewable)

Article 14: Functions of REDUE Members

Assistance & Training

- ◆ Technical support to courts on EU Law
- ◆ Participation in **training and dissemination**

Research & Dissemination

- ◆ Development of **studies and legal guides**
- ◆ Collaboration with **Spanish institutions**

Annual Report

- ◆ Activity report submitted **every January**

Institutional Collaboration

- ◆ Liaison with **representatives in EU institutions**

Selection Process

- ✓ Based on publicity, equality, merit, and ability
- ✓ Requirements:

Magistrate category

5 years of service in the specialization

10 years in the judicial career

Evaluation of foreign language skills & judicial cooperation experience

Conditions

- ✓ Appointment without release from judicial duties
- ✓ Activity counted towards productivity assessment

- 2006: Spanish Council for Judiciary set up the Judicial Network on the European Union
 - Improvement of the sensitivity of the Spanish Judges regarding the European Union Law
- Analysis of the Spanish Network:
 - Inspiration
 - How does it work
 - Which the achievements are
 - Challenges to be taken according to another National and European Networks.

INSPIRING THE NETWORK

- Dámaso Ruiz-Jarabo, former Spanish Advocate General in the European Court of Justice
- Spanish Council for Judiciary: on 17 May 2006 set up the Spanish Judicial Network on European Union Law (Red de Especialistas en Derecho de la Unión Europea-REDUE)
- Network's members: 18 specialised judges
- Call for applications: Judges are appointed for five years (2006-2011; 2012-2016; 2017-2022; 2023-until now)
- Six Divisions

WORKING IN THE NETWORK

- The duties of the Network members
 - **INFORMATION:** Provide all necessary cooperation to Spanish Courts and Tribunals in the location, interpretation and application of EU Law and the Court of Justice case law, paying special attention to the preliminary ruling procedures.
 - **TRAINING:** Promote and participate in the training activities on EU Law and the Court of Justice case law.
 - **REPORTING:** Draw up reports, documents and suggest alternative instruments aimed at the dissemination and knowledge of EU Law and the Court of Justice case law.
- Institutional structure
 - No structure (Divisions)
 - One judge acting as a leading coordinator
 - The link with the Spanish Council for the Judiciary (International Relations Service)

WORKING IN THE NETWORK

- Tasks developed by the members of the Network
 - To promote references for preliminary rulings
 - To give European information regarding judges through the Judicial Documentation Service
 - To facilitate European training through the Spanish Judicial School
- Promoting references for a preliminary ruling
 - Formally through the Network
 - Informally through personal contacts of each member of this Network
- Official website intranet www.poderjudicial.es
 - Automatic application requesting information
 - Practical notes about the proceedings in the references for a preliminary ruling
 - Data base on those references that are pending and those that already have been answered

CHALLENGING THE FUTURE

- Challenges for the future of the Spanish Network
 - **Information**
 - Improving the quality of European information
 - From references for a preliminary ruling to the actions for failure of a Member State to fulfill its obligations
 - **Training**
 - Young judges
 - European mainstream in training
 - Online training
 - **Cooperation**
 - National cooperation: other Spanish networks, Spanish Ministry of Justice.
 - European cooperation: the Dutch initiative on (CCE-network)

SUMMARY AND CLARIFICATIONS: ESSENTIAL PONTS

- Not every court has a CCE
- **Who appoints the CCE? What are the requirements for being eligible?**
The CCE is appointed by the **Permanent Commission of the General Council of the Judiciary**. To be eligible, candidates must:
 - ✓ Be a magistrate with at least **five years of experience** in their category.
 - ✓ Have at least **ten years in the judicial career**.
 - ✓ Demonstrate **knowledge and experience in international judicial cooperation**.
 - ✓ **Proficiency in foreign languages** is also considered in the selection process.
- **What are the tasks of a CCE?**
 - ◆ Provide **technical assistance** to courts regarding the interpretation and application of **EU law**.
 - ◆ Facilitate **judicial cooperation** between EU member states.
 - ◆ Support the use of the **preliminary ruling mechanism** before the Court of Justice of the EU.
 - ◆ Promote and participate in **training activities** on EU law.
 - ◆ Draft **guides and legal documents** to enhance the understanding of EU law.

SUMMARY AND CLARIFICATIONS: ESSENTIAL POINTS

• **Are the CCEs compensated for the extra time it takes to fulfill their duties?**

✗ There is no financial compensation for CCEs. Instead, their role brings **prestige and recognition** within the judiciary. Being part of the network is considered an **intellectual and professional challenge**, allowing them to **contribute to a better understanding and application of EU law.**

• **What is the biggest challenge for the CCEs in your country?**

📌 Coordinating with other judicial networks across Europe to ensure a more effective understanding and consistent application of **EU Law (DUE).**

📌 Improving the use of the preliminary ruling mechanism so that it serves as a **genuine tool for judicial dialogue with the Court of Justice of the EU**, enhancing legal certainty and uniform interpretation of EU law.

• **What is the achievement that you are most proud of?**

★ Enhancing judicial cooperation within the EU.

★ Strengthening the knowledge and application of EU law in national courts.

★ Improving the efficiency of cross-border legal matters and fostering collaboration between EU institutions.

CONCLUSION

- Nothing regarding the European Court of Justice or the European Union Law would be unfamiliar to judges
- Implication of all jurisdictions and all judicial levels, including the Constitutional Court and the Supreme Court
- Specialization within each jurisdiction: extraordinary impact of the European Union Law in Spain
- A comprehensive approach to the interpretation of the European Union Law