SEMINAR ORGANISED BY THE ITALIAN COUNCIL OF STATE IN
COLLABORATION WITH THE HELLENIC COUNCIL OF STATE AND ACA-EUROPE
Turin, 23-24 November 2026

Technological challenges, with particular attention being paid to the introduction of digital technology and artificial intelligence into the organisation of the administration and administrative justice

QUESTIONNAIRE

Responses from **Supreme Court of Spain**

This questionnaire has been prepared in anticipation of the seminar to be held in Turin on 23 and 24 November 2026. In accordance with point 2 of the guiding principles adopted by the Hellenic Presidency of ACA-Europe, it aims to explore the current challenges facing administrative judges, particularly those related to technology, and more specifically the introduction of digitalisation and artificial intelligence into the organisation and functioning of the administration and administrative justice.

In order to gain an in-depth understanding of the various dimensions of these technological challenges, the survey is split into three parts:

Part A - The digitalisation of administrative proceedings, with a focus on the experience of various supreme administrative jurisdictions and the impact of this transformation on the organisation and conduct of judicial activity.

Part B - Automated administrative decision-making and judicial review by administrative courts, particularly issues of technical discretion, automation and the delimitation of judicial powers.

Part C - The role of the administrative judge and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, particularly in light of Regulation (EU) 2024/1689, known as the 'AI Act', as well as other European Union standards and regulations, such as Regulation (EU) 2016/679, known as the 'GDPR', Regulation (EU) 2022/2065, known as the 'DSA', and Regulation (EU) 2022/1925, known as the 'DMA'.

Part A

The digitalisation of administrative proceedings and the use of artificial intelligence tools by the administrative justice system

A.I – Infrastructure and technological organisation

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A.I.1 – Digital equipment and resources

1. What is the level of digital equipment available to judges and administrative staff?

☐ Non-existent
☐ Limited
☐ Intermediate
x High
☐ Complete
Please explain if necessary:

Both judges and administrative staff have devices and technological tools that allow them to access the internet, make secure online communications, manage and share documents, and perform other digital activities.

Tanto jueces como el personal administrativo disponen de dispositivos y herramientas tecnológicas que permiten acceder a internet, realizar comunicaciones seguras en línea, gestionar y compartir documentos, y realizar otras actividades digitales.

2. Is the technological infrastructure (networks, servers, equipment, connectivity) suited to the day-to-day operational needs of the administrative jurisdictions?

☐ Strongly disagree
☐ Somewhat disagree
☐ Neither agree nor disagree
x Somewhat agree
☐ Strongly agree

Please explain if necessary:

The current infrastructure allows daily activities to be carried out, but there is still room for improvement regarding application speed and compatibility between secure communication platforms.

La infraestructura actual permite desarrollar la actividad diaria, pero todavía se puede mejorar en cuestiones relacionadas con la velocidad de las aplicaciones y la compatibilidad entre las plataformas de comunicación segura.

A.I.2 – Cloud solutions, remote access and interoperability

3. To what extent does your jurisdiction use cloud-based solutions for its information systems?

☐ Not at all
☐ To a limited extent
☐ Moderately
x Extensively

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☐ Completely
Please explain, where applicable, and, in the absence of cloud solutions, specify the alternative infrastructure solutions implemented:

Does not correspond.

No corresponde.

3a. Do the adopted technical solutions enable judges and staff to perform their duties remotely using the institutional equipment made available to them? If so, please specify any limitations.

If allowed and there are no limitations.

Si lo permite y no hay limitaciones.

3b. Are the applications being used interoperable with other national or cross-border judicial IT systems? If so, please specify the extent of this interoperability.
No.

A.II – Digitalisation and dematerialisation of judicial administrative proceedings

A.II.1 – Dematerialised administrative proceedings

4. Is a dematerialised judicial administrative proceedings system in place within your jurisdiction?

☐ No
☐ Yes, at an initial stage
x Yes, at an intermediate stage
☐ Yes, at an advanced stage
☐ Yes, on a fully integrated basis
Please explain if necessary:

The replacement of traditional information formats is underway, and there are still courts that use physical media, including paper.

El remplazo de soportes tradicionales de información se encuentra en proceso y todavía existen juzgados que utilizan el soporte físico, incluido el papel.

4a. When this system exists at least at an initial stage, do judges and staff process and sign documents exclusively in digital format in their everyday working practice?

☐ Never
☐ Rarely
☐ Occasionally
☐ Frequently

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x Always

Please explain if necessary:

4b. Percentage of paper files prior to the implementation of dematerialised administrative proceedings that have been digitised:

x 0–20%
☐ 20–40%

☐ 40–65%

☐ 60–80%

☐ 80–100%

A.II.2 – Digital services for members of the public, lawyers and public authorities
5. Are digital services available for filing documents, consulting files, notifications, payments or other related services? If so, please specify which ones.

Digital services are available for submitting documents (mandatory for both public administrations and professionals), for receiving notifications (with some exceptions for individuals). Payments must be made through banking institutions, with subsequent submission of proof to the court. Consultation of case files is also available electronically, except when the file size requires in-person consultation.

Los servicios digitales están disponibles para presentar documentos (es obligatorio tanto para las administraciones públicas como para los profesionales), para recibir notificaciones (con alguna excepción para el caso de personas particulares). La realización de pagos tiene que realizarse a través de entidades bancarias y posterior remisión del justificante al órgano judicial. La consulta de expedientes también está disponible de manera electrónica, salvo que el tamaño de los archivos obligue a su consulta presencial.

6. Do these digital services guarantee an adequate level of accessibility for people with disabilities?

x 0–20%
☐ 20–40%

☐ 40–65%

☐ 60–80%

☐ 80 - 100%

7. Are lawyers involved in the design, development and implementation of digital platforms and tools intended for their use?

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If so, please specify the terms of this involvement.

Not directly. However, Bar Associations are actively collaborating in training their members in the use of the platforms and digital tools implemented by the Justice Administration, including AI.

No directamente. Sin embargo, los Colegios de Abogados están colaborando activamente en la formación de sus miembros en el manejo de las plataformas y herramientas digitales implementadas por la Administración de Justicia, incluida la IA.

8. Are there any support and training measures in place for users outside the court system (lawyers, members of the public, government agencies) regarding the use of the digital tools available to them?
x YES
☐ NO

If so, please specify which ones.

The Ministry of Justice is working to make the public justice service more accessible to all citizens, regardless of their abilities, and technology plays an essential role in this. Among these projects, those that prevent the need to go to the courthouse to carry out procedures stand out, such as EVID (Virtual Immediacy Desk), which allows people to connect with the court via a videoconference system. It is a pilot project in the province of Palencia that will later be extended throughout the country.

Desde el Ministerio de Justicia trabajan por hacer más accesible el servicio público de Justicia a toda la ciudadanía, con independencia de cuáles sean sus capacidades, y para ello la tecnología tiene un papel esencial. Dentro de estos proyectos destacan los que evitan desplazarse al Juzgado para realizar trámites en el mismo, como es el caso de EVID (Escritorio Virtual de Inmediación Digital) que permite conectarse con el juzgado mediante un sistema de videoconferencia. Es un proyecto piloto en la provincial de Palencia que se extenderá posteriormente a todo el territorio nacional.

A.III – Security of information systems and data protection

A.III.1 – Compliance with the regulatory framework

9. Do your jurisdiction's information systems comply with European and national standards on security, data protection and digital preservation?

☐ Strongly disagree
☐ Agree only slightly
☐ Indifferent
☐ Somewhat agree
x Strongly agree

Please explain if necessary:

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A.III.2 – Incident management and business continuity

10. Are IT security incidents dealt with promptly and effectively?
☐ Never
☐ Rarely
☐ Occasionally
☐ Frequently
x Always

11. Are business continuity and disaster recovery plans regularly updated and tested?

☐ Never
☐ Rarely
☐ Occasionally
x Frequently
☐ Always

A.III.3 – Publicity and dissemination of court decisions

12. Are court decisions available online in their entirety?

☐ Never
☐ Rarely (only for the most significant decisions)
x Occasionally
☐ Frequently
☐ Always

Please add any additional information and explain if necessary:

Are court decisions fully available online?

All the resolutions of collegiate bodies are published: the Supreme Court, the National Court, the High Courts of Justice, and the Provincial Courts. Additionally, a selection of resolutions from single-judge courts can be found, but not all of them. These resolutions are available online through CENDOJ and are always anonymized. The Judicial Documentation Center (Cendoj) is the technical body of the General Council of the Judiciary responsible for the official publication of case law, as well as other responsibilities in the field of documentation and knowledge management services. It also provides support and information services to members of the Judicial Career, facilitating their access to all types of documentary sources used in the development of judicial activity.

Están publicadas todas las resoluciones de los órganos colegiados: Tribunal Supremo, Audiencia Nacional, Tribunales Superiores de Justicia y Audiencias Provinciales. Asimismo pueden encontrarse una selección de las resoluciones de los juzgados unipersonales, pero no todas. Estas resoluciones están disponibles en linea a través del CENDOJ y siempre anonimizadas. El Centro de Documentación Judicial (Cendoj) es el

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órgano técnico del Consejo General del Poder Judicial que se encarga de la publicación oficial de la jurisprudencia, así como de las demás competencias en el ámbito de la documentación y de los servicios de gestión del conocimiento. Ofrece además servicios de apoyo e información a los miembros de la Carrera Judicial facilitándoles el acceso a todo tipo de fuentes documentales empleadas en el desarrollo de la actividad judicial.

13. Where a system for publishing decisions online is in place, is there an internal policy to ensure the protection of personal data and respect for the right to be forgotten?

☐ No
☐ No formalised policy; anonymisation is carried out by the registry services on a case-by-case basis
☐ No formalised policy; anonymisation is decided on a case-by-case basis on the instructions of judges
☐ Yes, personal data are systematically anonymised
x Yes, personal data are anonymised in accordance with an internal policy providing for targeted exceptions
☐ Other (please specify)

All rulings published on the CENDOJ website have been anonymized, that is, the names and personal data of the parties have been modified so that individuals cannot be identified (this does not apply to legal entities), replacing the names with fictitious ones. This is done in compliance with Organic Law 3/2018, of December 5, on Personal Data Protection and the guarantee of digital rights.

Todas las resoluciones que se publican en la web del CENDOJ han sido anonimizadas, es decir, se han modificado los nombres y datos personales de las partes para que no puedan ser identificadas las personas físicas (no así las personas jurídicas), sustituyendo los nombres por otros ficticios. Ello se realiza en cumplimiento de la Ley Orgánica 3/2018, de 5 de diciembre, de Protección de Datos Personales y garantía de los derechos digitales.

A.IV – Training and digital skills

14. Does your jurisdiction offer structured and regularly updated digital technology training courses for judges and staff?

If so, please specify which ones.

The General Council of the Judiciary is responsible for the continuing education of members of the Judicial Career. Through the Continuing Education Service, it aims to fulfill this responsibility by ensuring that all members receive ongoing, personalized, specialized, and high-quality training throughout their professional careers. Regarding training in digital tasks, periodic courses are offered, although it is not specifically included among the thematic areas of the state plan's activity program. The Center for Legal Studies is responsible for the continuing education of the other bodies of justice

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administration officials. Specifically, in the Transversal Continuing Education Plan for 2026, its third focus is training in digital transformation.

El Consejo General del Poder Judicial es el competente para la formación continua de los miembros de la Carrera Judicial. A través del Servicio de Formación Continua, se pretende cumplir con ella garantizando que todos sus integrantes reciban una formación continuada, individualizada, especializada y de alta calidad durante toda su carrera profesional. Con relación a la formación en tareas digitales se ofrecen cursos periódicos, aunque entre las áreas temáticas del programa de actividades del plan estatal no se encuentra específicamente. El Centro de Estudios Jurídicos se encarga de la formación continua del resto de cuerpos de funcionarios de la administración de justicia. Concretamente, en el Plan Transversal de Formación Continua para 2026 su eje tercero es la formación en transformación digital.

A.V – Involvement of judges in digital transformation

15. To what extent are judges involved in decision-making and design processes relating to technological innovation and digital transformation in the judiciary? If applicable, please provide details.

Judges are involved through their participation in the General Council of the Judiciary and, moreover, some of them are part of the CENDOJ working groups on knowledge management services.

Los jueces están involucrados a través de su participación en el Consejo General del Poder Judicial y, además, algunos de ellos forman parte de los grupos de trabajo del CENDOJ sobre servicios de gestión del conocimiento.

A.VI – Use of AI systems in administrative justice

A.VI.1 – Tools and level of deployment

16. Are artificial intelligence systems currently used to assist in judicial or administrative activities? Yes.

16a. If so, which ones are used? (Please tick all that apply)

☐ Chatbots

x Semantic search tools
x Automated anonymisation of decisions
x Text analysis and assistance with legal research
☐ Tools to assist with organisation and court management

x Other (please specify)

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Search for case law. Summarize documents. Correct grammar. Text translation.

Burscar jurisprudencia. Resumir documentos. Corregir gramática. Traducción de textos.

16b. Overall level of internal deployment of AI systems:

x Occasional or isolated use
☐ Trial phase
☐ Development phase
☐ Widespread use
☐ Full integration

Please explain if necessary:

A.VII – Governance, regulation and ethical framework for AI

A.VII.1 – Internal guidelines and regulatory compliance

17. Has your jurisdiction adopted any internal guidelines, charters or policies governing the use of AI systems, in particular in application of Regulation (EU) 2024/1689 (the AI Act), the GDPR and other relevant European instruments?

x YES
☐ NO

If so, please specify which ones.

Instruction 2/2026, of January 28, from the Plenary of the General Council of the Judiciary, on the use of artificial intelligence systems in the exercise of judicial activity. Link to the full text of the resolution:
BOE-A-2026-2205 Acuerdo de 28 de enero de 2026, del Pleno del Consejo General del Poder Judicial, por el que se aprueba la Instrucción 2/2026, sobre la utilización de sistemas de inteligencia artificial en el ejercicio de la actividad jurisdiccional.

18. Are AI systems subject to prior risk assessments?
X YES
☐ NO

If so, please specify the terms of these assessments
In Spain, Royal Decree 817/2023, of November 8, establishes a controlled testing environment for the trial of AI systems, with special attention to those classified as high-risk due to their potential impact on fundamental rights. Annex II of this regulation explicitly includes systems intended to be used by a judicial authority, assigning to the Secretary of State for Digitalization and Artificial Intelligence the evaluation of compliance with the requirements derived from the European Regulation in testing and trial processes, in accordance with the requirements related to conformity assessment bodies.

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En España, el Real Decreto 817/2023, de 8 de noviembre, establece un entorno controlado de pruebas para el ensayo de sistemas de IA, con especial atención a los calificados como de alto riesgo por su impacto potencial en los derechos fundamentales. El anexo II de dicha norma incluye expresamente los sistemas destinados a ser utilizados por una autoridad judicial, atribuyendo a la Secretaría de Estado de Digitalización e Inteligencia Artificial la evaluación del cumplimiento de los requisitos derivados del Reglamento europeo en los procesos de prueba y ensayo, conforme a las exigencias relativas a los organismos de evaluación de la conformidad.

19. Are there specific requirements in terms of transparency for the use of AI systems? If so, please provide details.

In Spain, there is a policy for the use of artificial intelligence in the Administration of Justice, approved by the Plenary of the State Technical Committee on Electronic Judicial Administration (CTEAJE) on June 21, 2024. In this Committee, in addition to the General Council of the Judiciary itself, participate the Public Prosecutor's Office, the Ministry of the Presidency, Justice and Relations with the Parliament, and the Autonomous Communities with competencies in justice matters.
This Policy emphasizes, in section 1.6, regarding the responsibilities and control of AI, that the quality control and auditing of systems affecting the judicial function and, therefore, judicial independence, fall under the General Council of the Judiciary. To this end, algorithmic monitoring of these systems requires the collection and analysis of the data generated by the algorithms to assess their performance, identify possible biases, errors, or undesired behaviors, and ensure transparency and accountability.
Likewise, in point Tenth of Instruction 2/2026, regarding the use of artificial intelligence systems in the exercise of judicial activity, judges must use AI systems with full respect for transparency regulations.

En España existe una política de uso de la inteligencia artificial en la Administración de Justicia, aprobada por el Pleno del Comité Técnico Estatal de la Administración Judicial Electrónica (CTEAJE) el día 21 de junio de 2024. En dicho Comité participan, además del propio Consejo General del Poder Judicial, el Ministerio Fiscal, el Ministerio de la Presidencia, Justicia y Relaciones con las Cortes y las Comunidades Autónomas con competencias en materia de justicia.
Dicha Política subraya, en su apartado 1.6, relativo a las responsabilidades y control de la IA, que el control de calidad y la auditoría de los sistemas que afecten a la función jurisdiccional y, por ende, a la independencia judicial, corresponden al Consejo General del Poder Judicial. A tal fin, la vigilancia algorítmica de estos sistemas requiere la recopilación y análisis de los datos generados por los algoritmos para evaluar su desempeño, identificar posibles sesgos, errores o comportamientos no deseados y garantizar la transparencia y la rendición de cuentas.
Igualmente, en el punto Décimo de la Instrucción 2/2026, sobre la utilización de sistemas de inteligencia artificial en el ejercicio de la actividad jurisdiccional, en el ejercicio de la actividad jurisdiccional, los jueces deberán utilizar los sistemas de IA con pleno respeto a la normativa en materia de transparencia.

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20. Is the use of AI systems accompanied by human oversight mechanisms?

x YES
☐ NO

If so, please provide details

Currently, the administrations with jurisdiction over justice are developing various projects using artificial intelligence to draft court rulings, in some cases with the support of the Judicial Documentation Center (CENDOJ) of the General Council of the Judiciary. In this regard, the General Council of the Judiciary has already taken a position on one of these projects, in the field of commercial courts, regarding the requirements that must be met both in terms of personal data protection and with respect to artificial intelligence, through agreements adopted, respectively, by the Directorate of Supervision and Control of Data Protection of the Council, in its role as supervisory authority for judicial data processing, and by the Permanent Commission.
Likewise, point Twelve of Instruction 2/2026, on the use of artificial intelligence systems in the exercise of judicial activity, establishes that the General Council of the Judiciary exercises the functions of supervision and control over the use of AI systems in all matters affecting the processing of personal data carried out for judicial purposes.

En la actualidad, las Administraciones con competencia en materia de justicia están desarrollando diversos proyectos de utilización de inteligencia artificial para la elaboración de borradores de sentencias, en algunos casos con el apoyo del Centro de Documentación Judicial (CENDOJ) del Consejo General del Poder Judicial. A este respecto, el Consejo General del Poder Judicial ya se ha pronunciado con ocasión de uno de estos proyectos, en el ámbito de los juzgados de lo mercantil, sobre los requisitos que deben cumplirse tanto en materia de protección de datos personales como en relación con la inteligencia artificial, mediante acuerdos adoptados, respectivamente, por la Dirección de Supervisión y Control de Protección de Datos del Consejo, en su condición de autoridad de control de los tratamientos jurisdiccionales, y por la Comisión Permanente.
Igualmente, el punto Duodécimo de la Instrucción 2/2026, sobre la utilización de sistemas de inteligencia artificial en el ejercicio de la actividad jurisdiccional, determina que el Consejo General del Poder Judicial ejerce las funciones de supervisión y control de la utilización de los sistemas de IA en todo aquello que afecte a las operaciones de tratamiento de datos personales efectuadas con fines jurisdiccionales.

21. Are specific methodologies implemented during the design, development and deployment of AI systems to ensure their traceability, reliability, integrity and accuracy? If so, please provide details.

Point Ten, subsection 4, of Instruction 2/2026, regarding the use of artificial intelligence systems in the exercise of judicial functions, establishes that AI systems used by judges in the performance of judicial duties must incorporate appropriate technical and organizational measures to ensure the security of the data processed, prevent

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unauthorized access, maintain traceability of the operations performed, and prevent the reuse of data for purposes other than those for which they were collected.

El punto Décimo, apartado 4, de la Instrucción 2/2026, sobre la utilización de sistemas de inteligencia artificial en el ejercicio de la actividad jurisdiccional, determina que los sistemas de IA utilizados por los jueces, juezas, magistrados y magistradas en el ejercicio de la actividad jurisdiccional deberán incorporar medidas técnicas y organizativas adecuadas que garanticen la seguridad de los datos tratados, la prevención de accesos no autorizados, la trazabilidad de las operaciones realizadas y la imposibilidad de reutilización de los datos con fines distintos de aquellos para los que fueron tratados.

A.VIII – Innovation, prospects and future needs

A.VIII.1 – Current innovation projects

22. Are there any innovation projects currently under way in the following areas? (please tick all that apply)

x Process automation
x System interoperability
x Modernisation of existing systems
x Advanced digital services for external users
x AI systems
☐ Other (please specify)

Eficiencia digital - Justicia 2030

A.VIII.2 – Barriers to digital transformation

23 What do you consider to be the main barriers to the digital transformation of administrative justice? (please tick all that apply)

☐ Complexity of the regulatory framework
☐ Insufficient financial resources
☐ Lack of specialised human resources
x Organisational complexity (1)
x Resistance to change and digital skills gap (2)
☐ Cybersecurity risks and challenges
☐ Other (please specify)

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(1) Since the enactment of the 1978 Constitution, the State has had a decentralized territorial organization, resulting in a complex structure of the Administration of Justice in Spain. Thus, it is necessary to distinguish between the Administration of Justice in the strict sense, which consists of the jurisdictional function of judging and enforcing judgments (Article 117 of the Constitution) and is the responsibility of the Judiciary, and the Administration of Justice in the broad sense (or administration of the Administration of Justice), which also includes the use of the necessary material and human resources. The latter, called the administration of the Administration of Justice, falls under the Ministry of Justice and the Autonomous Communities that have acquired powers in matters of Justice. Furthermore, the complexity of the administration of justice in Spain has been affected by Organic Law 1/2025, which introduces a structural and procedural reform of the entire judicial system.

(2) Reports on Basic Indicators of the Body of Legal Advisors of the Administration of Justice indicates that the average age of officials in the Administration of Justice in Spain is 50.20 years. Additionally, 44.9% of public employees are 50 years old or older. Resistance to change in the administration of justice can be a significant obstacle to the adoption of new technologies and the improvement of administrative efficiency. The digital skills gap between older officials and administrative systems can perpetuate this resistance, as employees may feel disconnected or unable to adapt to new digital processes. To overcome these challenges, it is crucial to implement effective communication strategies, continuous training, and foster an organizational culture that values innovation and adaptability.

Indicadores básicos del Cuerpo de Letrados de la Administración de Justicia | CGPJ | Temas | Estadística Judicial | Estadística por temas | Estructura judicial y recursos humanos en la administración de justicia | Planta judicial y plantillas organicas

(1) Desde la promulgación de la Constitución de 1978, el Estado tiene una organización territorial descentralizada, dando como resultado una organización compleja de la Administración de Justicia en España. Así, hay que distinguir entre la Administración de Justicia en sentido estricto, consistente en la función jurisdiccional de juzgar y hacer ejecutar lo juzgado (117 CE) y es competencia del Poder Judicial, y la Administración de Justicia en sentido amplio (o administración de la Administración de Justicia) que comprende, además de ello, la utilización de los medios materiales y personales necesarios. La segunda, denominada administración de la Administración de Justicia, corresponde al Ministerio de Justicia y a las Comunidades Autónomas que han adquirido competencias en materia de Justicia. Además, la complejidad de la administración de justicia en España se ha visto afectada por la Ley Orgánica 1/2025, que introduce una reforma estructural y procesal de toda la planta judicial.
(2) Los informes sobre Indicadores básicos del Cuerpo de Letrados de la Administración de Justicia indica que el promedio de edad de los funcionarios de la Administración de Justicia en España es de 50,20 años. Además, el 44,9% de los empleados públicos tienen 50 años o más. La resistencia al cambio en la administración de justicia puede ser un obstáculo significativo para la adopción de nuevas tecnologías y la mejora de la

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eficiencia administrativa. La brecha de habilidades digitales entre los funcionarios de mayor edad y los sistemas de administración puede perpetuar esta resistencia, ya que los empleados pueden sentirse desconectados o incapaces para adaptarse a los nuevos procesos digitales. Para superar estos desafíos, es crucial implementar estrategias de comunicación efectivas, formación continua y la creación de una cultura organizacional que valore la innovación y la adaptabilidad

A.VIII.3 – Investment priorities

24. What do you think should be the priority areas for investment over the next few years? (please tick all that apply)

☐ Modernisation of infrastructure
x Cybersecurity
x Training and skills development
☐ Deployment of AI systems
☐ Interoperability at European level
x Complete digitalisation of administrative procedures
☐ Other (please specify)

25. Please describe one or more good practices in digitalisation that have been implemented or are planned within your jurisdiction.

ECLI Project to obtain a unique identifier for Case Law for all Member States.
The ECLI project (European Case Law Identifier) has as its main objective to facilitate the correct and unambiguous citation of judicial decisions from national and European judicial bodies. This uniform identifier, which consists of five parts separated by colons, allows judicial decisions to be more easily identified and facilitates access, search, identification, citation, and linking between EU and national case law. The ECLI was conceived in 2011 and documented in the conclusions of the Council, which promote the creation of a European case law identifier and the definition of a minimum set of uniform case law metadata.

Iberius - Ibero-American Network of Judicial Documentation Centers
Iberius is the Ibero-American Network of Judicial Documentation Centers, which is defined as a community of cooperation and mutual support in the field of legal information and documentation. Its goal is to strengthen the legal systems of Ibero-American countries through the creation or strengthening of Judicial Documentation Centers, which are organizations that facilitate access to legal information by systematizing and managing it. This network seeks to ensure the stability, quality, and

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continuous updating of legal information, thereby contributing to the strengthening of the Judicial Powers in the region.

Proyecto ECLI para obtener un identificador único de Jurisprudencia de todos los Estados Miembros.
El proyecto ECLI (Identificador único europeo de jurisprudencia) tiene como objetivo principal facilitar la citación correcta e inequívoca de las resoluciones judiciales de los órganos jurisdiccionales nacionales y europeos. Este identificador uniforme, que consta de cinco partes separadas por dos puntos, permite identificar las resoluciones judiciales con mayor facilidad y facilita el acceso, la búsqueda, la identificación, la cita y la vinculación entre la jurisprudencia de la UE y la nacional. El ECLI fue concebido en el año 2011 y documentado en las conclusiones del Consejo en las que se promueve la creación de un identificador europeo de jurisprudencia y la definición de un conjunto mínimo de metadatos uniformes de jurisprudencia.

Iberius - Red Iberoamericana de Centros de Documentación Judicial
Iberius es la Red Iberoamericana de Centros de Documentación Judicial, que se define como una comunidad de cooperación y apoyo recíproco en el ámbito de la información y documentación jurídica. Su objetivo es fortalecer los sistemas jurídicos de los países iberoamericanos a través de la creación o fortalecimiento de Centros de Documentación Judicial, que son órganos que facilitan el acceso a la información jurídica, sistematizándola y gestionándola. Esta red busca garantizar la estabilidad, calidad y actualización permanente de la información jurídica, contribuyendo así al fortalecimiento de los Poderes Judiciales en la región.

Part B
Automated administrative decisions and judicial review

B.I – Automated administrative decisions: substantive legality and procedure

1. Are there provisions in your legal system that authorise public administrations to use digital or algorithmic technologies in the exercise of their powers?

☐ YES

X NO

If so:

1.a. According to these provisions, what are the authorised tools and the objectives pursued by their use?

1.b. What types of acts can be adopted using these technologies?

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In particular, is the use of algorithms permitted for the adoption of administrative decisions involving discretionary powers?

2. Are there provisions in your legal system governing the design, deployment and use of artificial intelligence systems employed by public administrations?

x YES
☐ NO

If so,

2.a. what type of implementation measures are these? (for example, legislative or soft law):

In the specific field of the Administration of Justice, there is currently an instruction from the General Council of the Judiciary. Its legal nature is characterized by having no normative value. This means that it does not innovate the legal system and does not have the capacity to regulate citizens' behavior. Instead, it is limited to indicating guidelines, ways of proceeding, and interpretative criteria that must be taken into account by the bodies that receive them.

En el ámbito concreto de la Administración de Justicia, actualmente existe una instrucción del Consejo General del Poder Judicial. Su naturaleza jurídica se caracteriza por no tener valor normativo. Esto significa que no innovan el ordenamiento jurídico y no tienen la capacidad de regular la conducta de los ciudadanos. En cambio, se limitan a señalar pautas, formas de proceder y criterios interpretativos que deben ser tenidos en cuenta por los órganos que las reciben.

2.b. Is there an obligation for public administrations to inform the public or individuals about the use of AI systems?

Law 19/2013 of December 9, on transparency, access to public information, and good governance, establishes that all people have the right to access public information. However, it does not specifically mention the obligation of public administrations to inform the public or individuals about the use of artificial intelligence systems.

La Ley 19/2013 de 9 de diciembre, de transparencia, acceso a la información pública y buen gobierno, establece que todas las personas tienen derecho a acceder a la información pública. Sin embargo, no se mencionada específicamente la obligación de las administraciones públicas de informar al público o a los individuos sobre el uso de sistemas de inteligencia artificial.

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2.c. Are any authorities or bodies responsible for developing general rules or standards for the use of artificial intelligence within public administrations?

The Spanish Agency for the Supervision of Artificial Intelligence (AESIA) is a Spanish public body responsible for ensuring the ethical and safe use of artificial intelligence. It does so through supervision, inspection, advisory services, awareness-raising, and training, aimed at both public and private entities, with the goal of ensuring compliance with current regulations and the protection of citizens' fundamental rights.

La Agencia Española de Supervisión de la Inteligencia Artificial (AESIA) es un organismo público español responsable de garantizar el uso ético y seguro de la inteligencia artificial. Lo hace mediante la supervisión, la inspección, el asesoramiento, la concienciación y la formación, dirigidas a entidades públicas y privadas, con el objetivo de asegurar el cumplimiento de la normativa vigente y la protección de los derechos fundamentales de los ciudadanos.

3. What conditions must be met to ensure the legality of administrative procedures involving the use of artificial intelligence systems?

In particular:

3.a. Is the decision-making administration required to indicate the type of algorithmic system used and its principal characteristics?

Point four, letter g, of Instruction 2/2026, on the use of artificial intelligence systems in the exercise of judicial activity, establishes the principle of prevention of algorithmic biases, under which judges must take the necessary precautions to identify and avoid algorithmic biases arising from the use of AI systems.

El punto cuarto, letra g, de la Instrucción 2/2026, sobre la utilización de sistemas de inteligencia artificial en el ejercicio de la actividad jurisdiccional, establece el principio de prevención de sesgos algorítmicos, en virtud del cual, los jueces deberán adoptar las cautelas necesarias para identificar y evitar sesgos algorítmicos derivados de la utilización de sistemas de IA.

3.b. At what stage of the procedure must the administration provide information about the use of an algorithmic system and its characteristics?

As of February 2026, this issue has not been resolved.

A fecha febrero 2026 esta cuestión no está resuelta.

3.c. Does the interested party have the opportunity to comment on or challenge the use or operation of the AI system before the final decision is made?

As of February 2026, this issue has not been resolved.

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A fecha febrero 2026 esta cuestión no está resuelta.

4. Are specific areas of administrative law in your country subject to express authorisation for the use of administrative decisions based on artificial intelligence systems?

As of February 2026, there is no specific information regarding the express authorization for the use of administrative decisions based on artificial intelligence systems in Spain.

A fecha febrero 2026, no existe información específica sobre la autorización expresa para el uso de decisiones administrativas basadas en sistemas de inteligencia artificial en España.

5. Are there specific areas of administrative law in which the use of artificial intelligence systems for issuing administrative decisions is expressly prohibited?

Point nine, subsection 2, of Instruction 2/2026, on the use of artificial intelligence systems in the exercise of judicial activity, establishes that, in the exercise of judicial activity, it is prohibited for judges and magistrates to use AI systems, including generative AI tools, that have not been provided to them by the competent justice administrations under the conditions set out in the second subsection of ordinal six of this instruction, or by the General Council of the Judiciary.

El punto noveno, apartado 2, de la Instrucción 2/2026, sobre la utilización de sistemas de inteligencia artificial en el ejercicio de la actividad jurisdiccional, establece que, en el ejercicio de la actividad jurisdiccional, queda prohibida la utilización por los jueces, juezas, magistrados y magistradas de aquellos sistemas de IA, incluidas las herramientas de IA generativa, que no les hayan sido facilitados por las Administraciones competentes en materia de justicia, en las condiciones previstas en el apartado segundo del ordinal sexto de la presente instrucción, o por el Consejo General del Poder Judicial.

B.II – Judicial review of automated administrative decisions

6. Does national case-law recognise the legality of automated administrative decisions?

x YES
☐ NO

Please explain if necessary:

National case-law has begun to recognize the legality of automated administrative decisions, especially in the context of transparency and traceability of artificial intelligence systems and automated decision-making. This has been reflected in recent rulings that have allowed access to the source codes of applications used by the Public Administration, such as the case-law of the "BOSCO" program used by the Ministry of

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Ecological Transition (STS of 11/09/2025, rec. 7878/2024, ECLI:ES:TS:2025:3826). These decisions have been the subject of analysis and discussion in the field of Spanish public law, highlighting the importance of transparency and algorithmic explainability as a guarantee of the rule of law.

La jurisprudencia nacional ha comenzado a reconocer la legalidad de las decisiones administrativas automatizadas, especialmente en el contexto de la transparencia y la trazabilidad de los sistemas de inteligencia artificial y toma de decisiones automatizadas. Esto se ha manifestado en sentencias recientes que han permitido el acceso a códigos fuente de aplicaciones utilizadas por la Administración Pública, como el caso del programa "BOSCO" utilizado por el Ministerio de Transición Ecológica (STS de 11/09/2025, rec. 7878/2024, ECLI:ES:TS:2025:3826). Estas decisiones han sido objeto de análisis y discusión en el ámbito del Derecho público español, destacando la importancia de la transparencia y la explicabilidad algorítmica como garantía del Estado de Derecho.

If so:

6.a. What principles and conditions have been identified by national case-law as necessary for these decisions to be legally valid?

- right of access to public information
- principle of algorithmic transparency, as a manifestation of the principle of transparency, constitutionally enshrined (Article 105.b of the Constitution).
- principle of good administration
- principles of legality and equality

- derecho de acceso a la información pública
- principio de transparencia algorítmica, como una manifestación del principio de transparencia, consagrado constitucionalmente (artículo 105.b) de la CE).
- principio de buena administración
- principios de legalidad e igualdad

6.b. Have any limitations been identified with regard to the possibility of delegating the administration's decision-making power to algorithmic systems?

Point eight of Instruction 2/2026, on the use of artificial intelligence systems in the exercise of judicial activity, establishes that, in the exercise of judicial activity, judges shall not use AI systems for the following purposes:
a) The replacement, automation, or delegation of judicial decision-making, the assessment of facts or evidence, or the interpretation and application of the law.
b) The use of results generated by AI systems that directly or indirectly affect the judicial independence or the freedom of judgment of judges and magistrates.
c) The inclusion in judicial rulings of content generated by AI systems without a critical, thorough, and personal validation by judges and magistrates.

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d) The use of AI systems for the processing of special categories of personal data or information subject to enhanced confidentiality obligations, outside the cases expressly authorized by current regulations.
e) The use of AI systems for profiling individuals, predicting behaviors, assessing risks, or classifying subjects, outside the cases expressly authorized by current regulations.
f) Any other uses contrary to the criteria, usage guidelines, and principles established in this instruction.

El punto octavo de la Instrucción 2/2026, sobre la utilización de sistemas de inteligencia artificial en el ejercicio de la actividad jurisdiccional, establece que, en el ejercicio de la actividad jurisdiccional, los jueces no podrán utilizar los sistemas de IA para los siguientes usos:
a) La sustitución, automatización o delegación de la toma de decisiones judiciales, de la valoración de los hechos o de las pruebas, o de la interpretación y aplicación del Derecho.
b) La utilización de resultados generados por los sistemas de IA que condicionen de manera directa o indirecta la independencia judicial o la libertad de criterio de los jueces, juezas, magistrados y magistradas.
c) La incorporación a resoluciones judiciales de contenidos generados por sistemas de IA sin una validación crítica, completa y personal por parte de los jueces, juezas, magistrados y magistradas.
d) La utilización de sistemas de IA para el tratamiento de datos personales especialmente protegidos o de información sujeta a deberes reforzados de confidencialidad, fuera de los supuestos expresamente autorizados por la normativa vigente.
e) La utilización de sistemas de IA con fines de perfilado de personas, predicción de comportamientos, evaluación de riesgos o clasificación de sujetos, fuera de los supuestos expresamente autorizados por la normativa vigente.
f) Cualesquiera otros usos contrarios a los criterios, pautas de uso y principios establecidos en la presente instrucción.

6.c. In particular, which of the following principles must be respected, according to national case-law, when adopting an automated administrative decision? (Please tick all that apply)

x Principle of transparency
☐ Principle of non-exclusivity of human intervention ('human in the loop')
x Principle of non-discrimination
x Principle of knowledge and comprehensibility of algorithmic functioning
☐ Principle of attributing the decision to an authority vested with power

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☐ Other (please specify)

7. Has national case-law ruled on the nature and legal classification of the algorithm or AI system used for administrative decision-making?

In Spain, national case law has still played a limited role in the regulation and legal classification of algorithms and AI systems used for administrative decision-making.
The most significant national case-law is the "Bosco" case:
STS 3826/2025 - ECLI:ES:TS:2025:3826 - Poder Judicial

En España, la jurisprudencia nacional todavía ha tenido un papel limitado en la regulación y clasificación legal de los algoritmos y sistemas de IA utilizados para la toma de decisiones administrativas.

El ejemplo más significativo es el caso "Bosco":
STS 3826/2025 - ECLI:ES:TS:2025:3826 - Poder Judicial

8. What are the limits of the judicial review that administrative judges can exercise over automated administrative decisions?

In Spanish legislation, there are no limits to judicial oversight of automated administrative decisions in Spain. Administrative judges must ensure that these automated decisions are legal and respect the rights of citizens, do not involve discrimination, favoritism, or abuse of power. Furthermore, judicial oversight must be impartial and objective, ensuring that decisions are made fairly and within a reasonable time frame.

En la legislación Española no existen límites al control judicial sobre las decisiones administrativas automatizadas en España. Los jueces administrativos deben asegurarse de que esas decisiones sean legales y respeten los derechos de los ciudadanos, no impliquen discriminación, favoritismo o abuso de poder. Además, el control judicial debe ser imparcial y objetivo, garantizando que las decisiones se tomen de manera justa y en un plazo razonable.

9. According to national case-law, is the right of access to the algorithmic process that led to the automated administrative decision recognised?

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x YES
☐ NO

If so:
9.a. What information relating to the AI system (data, logic, key parameters) must be made available to the party concerned?

In the "Bosco" national case-law, the right to access the source code of the software application is determined.

En el caso "Bosco", se determine el derecho a acceder al código fuente de la aplicación informática.

Part C
Administrative judges and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, in light of Regulation (EU) 2024/1689 (the 'AI Act') and other European Union standards and regulations, such as the GDPR, the DSA, the DMA, etc.

1. Does your country recognise, at constitutional level, principles that expressly refer to the use of artificial intelligence in the performance of judicial functions?

☐ YES

x NO
If so, please specify which ones

2. Has your country adopted or is it in the process of adopting national measures to implement Regulation (EU) 2024/1689 (the AI Act) concerning the use of artificial intelligence to support judicial decision-making, which is classified as a 'high-risk' activity (Annex III, point 8(a))?

x YES, it is in the process.
☐ NO

If so:

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2.a. What is the nature of these measures (legislative, regulatory, guidelines, soft-law instruments)?

Legislative. The draft bill for the ethical, inclusive, and beneficial use of Artificial Intelligence. This draft bill was approved by the Council of Ministers on March 11, 2025, and is currently in urgent processing.

Legislativa. El Anteproyecto de ley para el uso ético, inclusivo y beneficioso de la Inteligencia Artificial. Este anteproyecto fue aprobado por el Consejo de Ministros el 11 de marzo de 2025 y se encuentra en fase de tramitación urgente.

2.b. For what purposes is the use of AI permitted? (Please tick all that apply)

☐ Research and interpretation of the law

☐ Research and assessment of the facts

☐ Application of the law to a specific factual situation

☐ Administrative activities that are purely ancillary (recital 61 of Regulation (EU) 2024/1689)

Please explain if necessary:

As of February 2026, the purposes for the use of AI are not yet defined, but the systems used in the administration of justice are considered high risk.

A fecha febrero 2026 no están todavía definidos los fines para el uso de la IA, pero los sistemas que se utilicen en la Administración de justicia son considerados de alto riesgo.

2.c. What measures are taken to ensure human oversight (Article 14 of Regulation (EU) 2024/1689)? In particular, under what conditions is the user able to ignore, cancel or override the result produced by the artificial intelligence system (Article 14(4)(d) of the AI Act), or to suspend or interrupt its use (Article 14(4)(d) of the AI Act)?

The supervision (06-guia-vigilancia-humana.pdf) corresponds to the Spanish Artificial Intelligence Supervisory Agency (AESIA). The draft bill does not provide for anything in this regard.

Corresponde a la Agencia Española de Supervisión de Inteligencia Artificial (AESIA) la supervisión (06-guia-vigilancia-humana.pdf). El anteproyecto no prevé nada al respecto.

2.d. What regulatory measures have been adopted to ensure the transparency, accuracy and robustness of the artificial intelligence system used (Articles 13 and 15 of Regulation (EU) 2024/1689 – the AI Act)?

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The draft bill does not provide for anything in this regard.

El anteproyecto no prevé nada al respecto.

3. Are there any official forms of testing or use of artificial intelligence systems for decision-making or generating judicial decisions currently in place in your country?

☐ YES

x NO

Please explain if necessary:

If so:

3.a What do they consist of?

3.b. What data sets are used?

3.c. Is the software used publicly owned or provided by private operators?

3.d. Have any biases been identified in its operation? If so, what kind?

4. Are measures planned in your country to ensure a sufficient level of artificial intelligence literacy specifically for judges (Article 4 of Regulation (EU) 2024/1689)?

☐ YES

x NO

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If so:

4.a. What do these measures consist of?

4.b. Is specific training planned to prevent or limit the phenomenon known as 'automation bias' (Article 14(4)(b) of the AI Act)?
☐ YES

x NO
Please explain if necessary:

5. Is the use of generative or agentic artificial intelligence systems permitted in your country to assist in the drafting of procedural documents or court decisions?

NO.
To help you understand the question better: **generative artificial intelligence (AI)** is a category of AI models which, thanks to machine learning and training on vast amounts of data, are capable of creating original content (text, images, videos, music, etc.). **Agentic AI** is described as a system capable of autonomously planning, making decisions and executing complex tasks with minimal human intervention to achieve a defined objective [source: OECD].

6. Has the national case law of your country addressed issues concerning the interpretation and application of EU Regulation 2024/1689?

☐ YES

x NO
Please explain if necessary:

6.a. If yes, which principles have been established?

7. Have national courts of your country submitted preliminary rulings to the Court of Justice of the European Union regarding EU Regulation 2024/1689?

☐ YES

x NO
Please explain if necessary:

7.a. If yes, which questions were referred? What answers has the Court of Justice of the European Union provided?

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