



Internship report for the IASAJ Judge Exchange Programme:

**Judge :**

Name : Ravanales Arriagada  
 First name : Adelita  
 Nationality : Chilean  
 Jurisdiction : Supreme Court of Justice of Chile  
 Functions : Justice of the Supreme Court of Chile  
 Length of service : 33 years

**Exchange :**

Hosting jurisdiction : Supreme Court of Spain  
 Country : Spain  
 City : Madrid  
 Dates of the exchange: October 16<sup>th</sup>-27<sup>th</sup>, 2023.

**I. Introduction – Presentation of the competition and progress of the internship:**

I was selected to undertake an internship at the Supreme Court of Spain in Madrid, granted by the International Association of Supreme Administrative Jurisdictions (IASAJ). The internship took place from October 16<sup>th</sup> to 27<sup>th</sup>, 2023.

IASAJ annually organises an exchange programme for judges who are members of the organisation. The programme aims to explore best judicial practices, experiences, and perspectives within the scope of their competencies and functions to generate new knowledge in administrative matters.

Since 2008, by decision of the Full Court, the Supreme Court of Chile has been a member of the IASAJ, and since 2013, it has been a member of its Administrative Council. In April last year, Justice Mrs Ángela Vivanco Martínez, the representative of the Supreme Court of Chile to IASAJ, extended an invitation to the Presidents of the Court's Chambers to apply for the 2023 exchanges. I was designated by the Third Chamber for this purpose and subsequently selected to undertake an internship at the Spanish Supreme Court during the aforementioned dates, specifically in the Third Chamber (Administrative Litigation) of that Court. The Honourable Mr Ángel Arozamena Laso, Judge of the aforementioned Third Chamber, was appointed as my mentor.

*a. Exchange Programme:*

During my stay at the Supreme Court of Spain, I followed a programme designed to promote awareness of the activities of the Court as well as the bodies related to its function:  
 The respective agenda is as follows:

**October 16<sup>th</sup>, 2023:**

**09:15** Reception by Judge-Tutor Hon. Mr Ángel Arozamena Laso, Judge of the Third Chamber (Administrative Litigation) of the Supreme Court of Spain.

**10:00** Visit to Mr Pablo Lucas Murillo de la Cueva, Acting President of the Third Chamber (Administrative Litigation) of the Supreme Court of Spain. Photo session.

**10:30** Reception by the Technical Office – Hon. Mr Carlos Romero Rey, Chief Coordinator of the Technical Office for Administrative Litigation.

12:00 Guided tour of the Supreme Court with a group of Spanish and Austrian judges organised by the REFJ, Mrs María del Camino Vázquez Castellanos, President of the Administrative Litigation Chamber of the Superior Court of Justice of Madrid.

**October 17<sup>th</sup>, 2023:**

**10:00** Visit to the General Council of the Judiciary - CGPJ (Marqués de la Ensenada Street, in front of the Supreme Court) - Reception by Mr Luis de Arcos Pérez, Director of the International Relations Service.

**12:00** Attendance at the deliberation of the First Section of the Third Chamber (Administrative Litigation) of the Supreme Court of Spain - Hon. Mr Pablo Lucas Murillo de la Cueva, President of the Third Chamber of the Supreme Court.

**October 18<sup>th</sup>, 2023:**

**10:00** Visit to the Ombudsman's Office (Zurbano Street, 42) – Mr José Manuel Sánchez Saudinós, Secretary General of the Ombudsman's Office, accompanied by Mr Juan Carlos González Barral, Judge-Lawyer, Coordinator of the Technical Office of the Third Chamber of the Supreme Court of Spain.

**12:00** Visit to the Administrative Litigation Chamber of the National Court (Goya Street, 14) - Mr Eduardo Menéndez Rexach, President of the Administrative Litigation Chamber of the National Court.

**October 19<sup>th</sup>, 2023:**

**11:15** Visit to the Attorney General's Office (Fortuny Street, 4) - Reception by Hon. Mr Álvaro García Ortiz, Attorney General of the State.

**12:30** Visit to the National Commission on Markets and Competition - CNMC - (Alcalá Street, 47) - Reception by Mrs Bárbara Navas Vallterra and Mrs María Castillo González, Advisers to the Presidency of the CNMC, as well as Mrs Ángeles Rodríguez Paraja, Deputy Secretary of the Council, and Mrs María Patricia Font Rodríguez, Head of the Legal Department.

Mr Raúl Cancio Fernández, Doctor of Law, Legal Adviser to the Supreme Court, and Academic of the Royal Academy of Jurisprudence and Legislation -RAJYL-, accompanied me on these visits.

**October 23<sup>rd</sup>, 2023:**

**10:00** Visit to the Court of Auditors (Fuencarral Street, 81) – Hon. Mrs Enriqueta Chicano Jávega, President of the Court of Auditors, and reception by Mrs Josefa García Blanco, Director of Institutional Relations.

**12:30** Visit to the Council of State (Mayor Street, 79).

Mrs Sandra González de Lara Mingo, Judge-Lawyer, Coordinator of the Technical Office of the Supreme Court, accompanied me on these visits.

**October 24<sup>th</sup>, 2023:**

**10:00** Attendance at the deliberation of the Fifth Section of the Third Chamber (Administrative Litigation) of the Supreme Court of Spain – Hon. Mr Carlos Lesmes Serrano, President of the Fifth Section of the Third Chamber of the Supreme Court of Spain.

**October 25<sup>th</sup>, 2023:**

**09:15** Visit to the Constitutional Court - Reception by Hon. Mr Andrés Javier Gutiérrez Gil, Secretary General. Guided tour. Explanation of the composition, organisation, and functioning of

the Constitutional Court. I was accompanied by Hon. Mr Ángel Arozamena Laso, Judge of the Third Chamber (Administrative Litigation) of the Supreme Court of Spain.

**October 26<sup>th</sup>, 2023:**

**10:00** Visit to the Superior Court of Justice (General Castaños Street, 1). Interview with Mr Juan Pedro Quintana Carretero, President of the Administrative Litigation Chamber of the Superior Court of Justice of Madrid.

**11:00** Attendance at the deliberation of the Sixth Section of the Third Chamber.

**12:30** Interview with Mr Tomás Ruano Maroto, Secretary of Government of the Supreme Court of Spain.

**October 27<sup>th</sup>, 2023:**

**10:30** Visit to the Administrative Litigation Courts (Gran Vía Street, 19) – I was received by Mrs Ángela López-Yuste Padial, Judge of the Administrative Litigation Court No. 34.

*b. Introduction to the Host Jurisdiction:*

During the internship, I had the opportunity to understand the functioning of the Administrative Litigation Chamber of the Spanish Supreme Court, attending deliberations held on various subjects and procedural occasions.

I observed three deliberations: one in the first section of the Third Chamber (Administrative Litigation), which deals with admission matters; another in the fifth section regarding the substance of the issues; and finally, one in the sixth section of Article 638 of the Organic Law 6/1985, from July 1<sup>st</sup>, of the Judiciary - LOPJ - dealing with appeals against resolutions of the Plenary and the Permanent Commission of the General Council of the Judiciary.

The regulation of the administrative litigation cassation appeal through Organic Law 7/2015 brought a structural change to its configuration by introducing the concept of "objective cassation interest for the formation of jurisprudence" for admission. This translates into the issuance of a reasoned order verifying the presence of such interest, specifying the issues involved, the rules to be interpreted, and compliance with formal requirements. The issue of cassation interest is revisited once a definitive judgement is reached, providing answers, and contributing to the formation of jurisprudential lines that aim to provide legal certainty.

I became familiar with the composition and functions of the Technical Office for Administrative Litigation through information provided by Hon. Mr D. Carlos Romero Rey in his capacity as Chief Coordinator. I gained insight into the work conducted by attending deliberations and reviewing the cassation records they publish. The essential function of this body is to assist the Presidency and its different Chambers in the admission processes and in the preparation of requested studies and reports.

The interview with Mr Ángel Tomás Ruano Maroto, Secretary of Government, was particularly interesting in understanding the functioning of the Court's Governing Board. This chamber is comprised of the President of the Supreme Court, who presides over it, the five Presidents of Chambers, and five Judges of the Spanish Supreme Court, elected by the Judges of that Court. It is the highest collegial governing body of the Supreme Court, responsible for governing the court (Article 152 LOPJ). Among its various functions, it approves the distribution rules of cases among the different Sections of each Chamber and annually establishes, based on objective criteria, the necessary rotations for the composition and operation of the Chambers and Sections of the Court, as well as the binding rules on the assignment of Reports to be rotated by the Judges. It proposes to the General Council of the Judiciary the adoption of measures deemed necessary to improve the Administration of Justice concerning the respective jurisdictional bodies and other functions assigned by law to the internal governing bodies of the courts not expressly attributed to the Presidents.

The meeting with Mr Luis de Arcos Pérez, Director of the International Relations Service, during my visit to the General Council of the Judiciary, was also of great interest as it provided me with a general overview of the competencies and functioning of that body, which is different from the structure in my country.

The visits to the administrative bodies and courts related to the work of the Supreme Court proved to be very enlightening and comprehensive, allowing me to visualise the system as a whole.

The Spanish Judicial Power is constitutionally established in Title VI, Articles 117 to 127, of the Spanish Constitution (hereinafter CE). Article 117.1 of the CE states: *'Justice emanates from the people and is administered in the name of the King by Judges and Judges who are members of the judiciary, independent, irremovable, responsible, and subject only to the rule of law.'*

Regarding the organisation and powers of the courts, Article 122 of the CE establishes that *'the organic law of the judiciary will determine the constitution, functioning, and governance of the Courts and Tribunals...'*. This constitutional mandate was fulfilled through the Organic Law 6/1985, from July 1<sup>st</sup>, on the Judiciary (hereinafter referred to as LOPJ), which was later complemented by the enactment of Law 38/1988, from December 28<sup>th</sup>, on Jurisdiction and Judicial Structure, among other laws amending the LOPJ.

In the same aforementioned constitutional provision, the **General Council of the Judiciary** is also established, which is a governing body of the judiciary. It is made up of the President of the Supreme Court, in the same capacity, and twenty members (vocals) appointed by the King for a period of five years.

Regarding the **Supreme Court**, it is a collegiate body based in Madrid. As established by Article 123 of the CE and Articles 53 and following of the LOPJ, it has jurisdiction throughout Spain and is the highest judicial body in all orders, except for matters of constitutional guarantees. The President of the Supreme Court is appointed by the King upon the proposal of the General Council of the Judiciary.

The Supreme Court constitutes the apex of the appeal system and is, therefore, responsible for the unity of interpretation of jurisprudence in Spain. It is also responsible, among other matters, for resolving cassation appeals, reviews, and other extraordinary resources, for the trial of members of high State bodies, and for processes related to the declaration of the illegality of political parties.

The Supreme Court is made up of its President, the Presidents of Chambers, and the Judges determined by law for each of the Chambers, and, where appropriate, Sections in which they may be articulated (Article 54 LOPJ).

According to Article 55 LOPJ, the highest Spanish court is structured into five ordinary chambers, each dealing with different jurisdictional orders: the First Chamber of Civil Matters, the Second Chamber of Criminal Matters, the Third Chamber of Administrative Litigation, the Fourth Chamber of Social Matters, and the Fifth Chamber of Military Matters. The latter is governed by its own legislation. Additionally, the Supreme Court can convene in the following Special Chambers: the Chamber of Article 61 LOPJ, the Jurisdictional Conflicts Court, the Jurisdictional Conflicts Chamber, and the Competence Conflicts Chamber.

The Technical Office (Articles 61 bis and following LOPJ) serves the Supreme Court, assisting the Presidency and its different Chambers in the admission processes of the cases they handle and by preparing studies and reports as requested. It also supports the Special Chambers in handling matters assigned to them. The Office is made up of a Director and members of the judicial career, and other legal professionals holding the title of Lawyers of the Technical Office.

Regarding the **Public Prosecutor's Office**, Article 124 of the CE establishes that this body has the function of promoting the action of justice in defence of legality, the rights of citizens, and the public interest protected by law, as well as ensuring the independence of the Courts and seeking before them the satisfaction of the social interest. The highest leadership and representation of the Public Prosecutor's Office of Spain are entrusted to the Attorney General of the State, who is

appointed by the King upon the proposal of the Government and after hearing the General Council of the Judiciary.

The Constitutional Court should also be highlighted; although not part of the Judicial Power, it is a body with jurisdiction throughout Spanish territory. It is competent to hear constitutional challenges against laws and regulatory provisions with the force of law, appeals for protection in case of violation of the rights and freedoms stated in the CE, conflicts of competence between the State and the Autonomous Communities or among the Communities themselves, and other matters assigned by the Constitution or organic laws (Chapter IX of the CE).

The **National Court** is a collegiate body based in Madrid with jurisdiction over the entire national territory (similar to the Supreme Court). It handles serious crimes and those of social relevance. It specialises in specific cases from different areas: criminal, administrative litigation, and social. It comprises four chambers: the 1<sup>st</sup> appeals chamber to hear appeals against resolutions of the criminal chambers, the 2<sup>nd</sup> criminal chamber itself, the 3<sup>rd</sup> administrative litigation chamber, and the 4<sup>th</sup> social chamber.

In Spain, for judicial purposes, the State is territorially organised into municipalities, districts, provinces, and Autonomous Communities, and the jurisdictional bodies listed below exercise their judicial authority over them:

The **Superior Courts of Justice** are collegiate bodies and serve as the judicial authorities that culminate the judicial organisation within the scope of each Autonomous Community. There are currently a total of seventeen, each located in the capital of each Community. Their jurisdiction covers the entire Autonomous Community. Each Superior Court of Justice is made up of four jurisdictional orders, each known to have three chambers: 1<sup>st</sup> civil and criminal chamber, 2<sup>nd</sup> administrative litigation chamber, and 3<sup>rd</sup> social chamber.

The **Supreme Court**, the **National Court**, and the **Superior Courts of Justice** have Governing Boards (Articles 149 and following LOPJ) that perform the function of governing their respective courts. This includes approving rules for the distribution of matters among the different sections of each court, establishing annually with objective criteria the necessary rotations for the composition and operation of the court's chambers and sections, and, in a binding manner, determining the rules for assigning the reports that judges must take turns preparing. The Governing Boards also have the authority to take, respecting judicial immovability, the necessary measures in cases of disagreement among judges that may affect the orderly functioning of the courts or the administration of justice, among other responsibilities.

The **Courts** are single-person bodies located in each provincial capital or respective locality, with jurisdiction over the entire municipality or judicial district. They form the foundation of the judicial system in Spain and are divided based on their competencies. They include the Court of First Instance and Preliminary Investigation, the Criminal Court, the Administrative Litigation Court, the Social Court, the Penitentiary Supervision Court, Juvenile Courts, Commercial Courts, or the Courts for Violence Against Women.

The bodies and courts mentioned, regarding administrative litigation, were part of the activities considered during the internship. I had the opportunity to interview key stakeholders from each of them, albeit within a limited timeframe. They were very willing to address my questions and concerns.

## **II. Differences and similarities between the legal systems of the country of origin and the host country:**

### *a. The organisation of the legal system:*

In Chile, at the apex of the Judicial Power, we find the Supreme Court of Justice, which is a collegiate tribunal based in the capital of the Republic, consisting of twenty-one members called justices, one of whom is the President, elected by their peers and serving a two-year term. The

justices are appointed by the President of the Republic, who selects them from a list of five individuals proposed by the Supreme Court with the Senate's agreement.

The Supreme Court operates divided into specialised chambers or *en banc*, with ordinary or extraordinary sessions. The ordinary sessions involve three specialised chambers: the First Chamber or Civil Chamber, the Second Chamber or Criminal Chamber, and the Third Chamber or Constitutional and Administrative Litigation Chamber. The extraordinary sessions comprise four chambers, including the Fourth Chamber or Labour and Social Security Chamber, in addition to those aforementioned. All of this is regulated by the Self-Agreement that allocates the matters dealt with by the specialised chambers of the Supreme Court during ordinary and extraordinary sessions, as contained in Minute No. 107-2017 from July 28<sup>th</sup>, 2017, which was amended by AD 139-2019 dated June 9<sup>th</sup>, 2020. It should be noted that the decision to operate ordinarily or extraordinarily is made by the Court itself, and the determination of functioning *en banc* or in specialised chambers is dictated by law, depending on the subject matter.

Despite their differences in political systems and governance, the Republic of Chile and the Kingdom of Spain promote the respect and strengthening of the Rule of Law. This primarily involves the separation of powers, the subjection of public powers to the Constitution and the rest of the legal framework, the rule of law, and respect for the fundamental rights of individuals.

To safeguard the Rule of Law, it is necessary to have a body endowed with independence and impartiality, based on the Constitution and the laws of the respective country. This body should be able to hear, judge, and enforce judgements, subjecting public powers and other bodies to effective compliance with the law, controlling the legality of administrative actions, and promoting the effective protection of the full exercise of rights and legitimate interests of individuals. The Judicial Power is precisely the body responsible for performing this crucial function, recognised at the constitutional level in both countries: Chile in Chapter VI of the Political Constitution of the Republic (hereinafter CPR), and Spain in Title VI of the CE.

The Spanish Supreme Court has 79 Judges, while the Supreme Court is made up of 21 Justices. The Spanish Supreme Court is divided into 5 ordinary chambers and 4 special chambers, whereas, as mentioned earlier, Chile is divided into 4 chambers. Each chamber in Chile is made up of 5 justices, while in Spain, each chamber is divided into sections, each consisting of 5 members.

In Chile, the absence of a justice results in the appointment of the Judicial Prosecutor of the Supreme Court or a Judicial Attorney to fill the vacancy. The Judicial Attorneys are lawyers appointed every two years by the President of the Republic from a list prepared by the Supreme Court.

Spain has a General Council of the Judiciary responsible for training, appointments, and disciplinary matters. In Chile, the Supreme Court has the Direct, Correctional, and Economic Superintendence and, for the administration of its resources, relies on the Administrative Corporation of the Judicial Power.

In Chile, military justice matters are handled by the 2<sup>nd</sup> Criminal Chamber with a special composition, including the Army's General Auditor in addition to the five justices. There is no specialised chamber exclusively dealing with these matters, nor is there a permanent composition for it.

Another notable aspect is that Tax matters, handled by the Third Chamber of Administrative Litigation in the Spanish Supreme Court in Chile are dealt with according to Minute No. 107-2017 from July 28<sup>th</sup>, 2017, modified by AD 139-2019 from June 9<sup>th</sup>, 2020, which distributes the matters under the jurisdiction of the specialised chambers to the 2<sup>nd</sup> Criminal Chamber.

In our country, there is no equivalent to a Public Prosecutor's Office, as it exists in Spain for administrative contentious matters.

In Chile, administrative contentious matters are handled by various courts and administrative bodies. In the jurisdictional realm, there are ordinary and special courts within the Judicial Power, as well as special courts outside the judicial power that handle such matters. For example, Civil Courts handle claims for sanitary fines, labour courts for labour fines, Courts of Appeals for challenges to the legality of municipal matters, Environmental Tribunals, the Free Competition Tribunal, the Public Procurement Tribunal, among others. The review of these matters falls under the jurisdiction of the Supreme Court through different appeal mechanisms, such as cassation, challenges to legality, and appeals.

In Spain, as can be observed, there is a more specialised organisational structure resembling an administrative justice system, starting with Administrative Courts at the base.

*b. Competence of Administrative Jurisdictions:*

From Article 117.5 of the Spanish Constitution and Articles 3 and 24 of Organic Law No. 6/1985, from July 1<sup>st</sup>, of the Judicial Power of Spain, which refer to the constitutional principle of a single jurisdiction (though organised internally into specialized orders), it is inferred that the entities responsible for hearing and resolving matters of administrative jurisdiction are the bodies that are part of the Judicial Power.

Thus, the courts and tribunals that form part of the Spanish administrative jurisdiction, in accordance with the provisions of Article 6 of Law 29/1998, from July 13<sup>th</sup>, 1998, regulating Administrative Jurisdiction, are made up of the following bodies:

- a) Administrative Courts.
- b) Central Administrative Courts.
- c) Chambers of Administrative Litigation of the Superior Courts of Justice.
- d) Chamber of Administrative Litigation of the National Court.
- e) Chamber of Administrative Litigation of the Supreme Court.

In general, and in accordance with the provisions of Article 1 of Law 29/1998, each of the bodies of the contentious-administrative jurisdiction mentioned in Article 6 of the same law shall have jurisdiction over '*...claims arising in relation to the actions of public administrations subject to Administrative Law, with general provisions of a rank lower than the Law, and with legislative decrees when they exceed the limits of delegation.*'

**To the Chamber of Administrative Litigation of the Supreme Court**, in accordance with Article 58 LOPJ, corresponds to hear:

*1<sup>st</sup>. In a single instance, administrative contentious appeals against acts and provisions of the Council of Justices, Delegated Government Commissions, and the General Council of the Judiciary, and against acts and provisions of the competent bodies of the Congress of Deputies and the Senate, the Constitutional Court, the Court of Auditors, and the Ombudsman, in the terms and matters established by law, and other appeals that may be exceptionally attributed to it by law.*

*2<sup>nd</sup>. Appeals for cassation and review on the terms established by law.*

*3<sup>rd</sup>. The request for authorization for the declaration provided for in the fifth additional provision of Organic Law 3/2018, from December 5<sup>th</sup>, on Personal Data Protection and Guarantee of Digital Rights, when such a request is made by the General Council of the Judiciary.*

*4<sup>th</sup>. The request from the Government provided for in Article Four of Law 11/2022, from June 28<sup>th</sup>, General Telecommunications Law, for the validation or revocation of agreements assuming or intervening in the direct management of the service or those of intervention or exploitation of networks.'*

The Third Chamber of Administrative Litigation is made up of a President and 32 judges, according to the 'Law on Jurisdiction and Judicial Structure.' This chamber may act in plenary or be divided into seven sections. Initially, the First section of admission and four sections of ordinary trial are constituted, numbered from Second to Fifth, the Sixth Section provided for in Article 638 of the LOPJ, and the Provisional Section of Unique Competence (corresponding to what was the former Eighth Section).

The rules for distributing matters among the Sections of the Third Chamber are regulated in the 'Agreement of December 1<sup>st</sup>, 2022, of the Permanent Commission of the General Council of the Judiciary, publishing the Agreement of November 7<sup>th</sup>, 2022, of the Governing Chamber of the

Supreme Court, regarding the composition and operation of the chambers and sections of the Supreme Court and assignment of rapporteurships for the 2023 judicial year,' BOE-A-2022-21632.

The Supreme Court of the Kingdom of Spain, regarding the Third Chamber of Administrative Litigation, reported in its annual report for the year 2022 that its jurisdictional activity was mainly developed in two areas: cassation appeals against resolutions of lower judicial bodies of the Administrative Jurisdiction; and direct administrative contentious appeals brought against acts and provisions of the Government of the Nation, constitutional bodies of the State subject to review in this jurisdiction, and the Central Electoral Board.

In Chile, there is no single judiciary with broad competence to hear administrative contentious cases, as mentioned, entrusted to different Administrative Bodies and ordinary and special courts, the latter of which may or may not be part of the Judicial Power.

It should be noted that in Chile, the Third Chamber (Constitutional or Administrative Litigation Chamber) of the Supreme Court of Justice of Chile is the specialised chamber responsible for hearing ordinary and extraordinary appeals in administrative contentious matters and, in general, other matters of this nature that the Supreme Court should hear and that are not expressly assigned to the Full Court or another Chamber.

*c. Regarding the operation of administrative jurisdictions:*

As mentioned earlier, in accordance with Article 6 of Law 29/1998, from July 13<sup>th</sup>, 1998, the bodies that make up the Spanish administrative jurisdiction are as follows:

- a) Administrative Courts** (Article 90 of Law 29/1998)
- b) Central Administrative Courts** (Article 90 of Law 29/1998)
- c) Administrative Chambers of the Superior Courts of Justice** (Articles 70 to 72 of Law 29/1998)
- d) Administrative Chamber of the National Court** (Articles 62 to 64 of Law 29/1998)
- e) Administrative Chamber of the Supreme Court** (Articles 53 to 55 of Law 29/1998)

As mentioned earlier, in Chile, there is no administrative jurisdiction with general competence to handle all administrative disputes. Consequently, there is no rule uniformly determining the functioning of administrative or judicial bodies responsible for handling and resolving such conflicts. In any case, reference must be made to the respective law that creates the competent body to handle the matter.

As an example, challenges of illegality under Article 151 of the Constitutional Organic Law of Municipalities (Law No. 18,695) are heard by the respective Court of Appeals. As mentioned earlier, specialised courts with administrative jurisdiction, not part of the judiciary but subject to the oversight of the Supreme Court, include the Tax and Customs Courts (Law No. 29,322 from 2009), the Industrial Property Court (DFL No. 3 of 2006 from the Ministry of Economy), the Public Procurement Court (Law No. 19,886 from 2003), among others.

*d. On procedures and applicable legal rules:*

In Spain, each of the bodies comprising the administrative jurisdiction, as mentioned in the aforementioned Article 6 of Law 29/1998 dated July 13<sup>th</sup>, 1998, which regulates the Spanish administrative jurisdiction, will address challenges to acts referred to in Article 1 of that law through various resources regulated within it, defining their main aspects.

In the preamble of Law 29/1998, it is indicated that four types of appeals can be distinguished from the said law:

- a) The traditional one, directed against administrative acts, whether express or presumed.
- b) The one that directly or indirectly concerns the legality of some general provision, which requires some special rules.
- c) The appeal against the inactivity of the Administration.
- d) The one filed against material actions constituting an abuse of power.



In Chile, despite the existence of Law No. 19,880 regulating the Bases of Administrative Procedures, there is a significant dispersion of norms regarding administrative procedures, making it possible to conclude that there is no single or main applicable administrative or judicial procedure. For example, there is Article 6 of the transitory provisions of the Mining Code for the National Geology and Mining Service, Article 58 of DFL 323 from 1931 for the Superintendency of Electricity and Fuels, Articles 13 and 17 of Law No. 18,902 from 1990 for the Superintendency of Sanitary Services, Articles 137 and 147 third of the Water Code for the General Water Directorate, among other procedures.

It is important to note that the Political Constitution includes the recourse or action for the protection of constitutional guarantees (Article 20 of the Political Constitution of the Republic of Chile), whose competent court, in the first instance, is the respective Court of Appeals, and whose decision is appealable to the Supreme Court, an appeal that is heard by the Third Chamber.

**III. Aspects on which the legal system of the host country can serve as a source of inspiration for the country of origin ('best practices'):**

- 1.- Establish administrative litigation courts within the Judiciary to handle administrative litigation procedures, given the current dispersion.
- 2.- The Technical Office, as a supporting body in the work of the Supreme Electoral Tribunal (TSE), is of significant help and relevance, allowing for quality and quantity in the processing of cases.
- 3.- The structural change in the configuration of the cassation appeal, introducing the concept of 'objective caseload for the formation of jurisprudence' for its admission, seems highly recommended for jurisprudential development, providing certainty to litigants.
- 4.- The functioning of the court, particularly the way deliberations are carried out through a reporting judge, appears to be a good practice with a high legal standard.

**In summary, the existence of an objective caseload as a filter for the cases that the Spanish Supreme Court should consider, as well as the way cases are handled and the fact that hearings are exceptional, seem to be more in line with the requirements of a cassation court and a Supreme Court as a unifier of jurisprudence.**

Upon concluding this report, I cannot fail to mention the excellent reception I received from the judges and officials of the visited court, who were always willing to provide the information I required, providing me with the material and technological means that allowed for the best development of the internship. In each of the visits I made, I was accompanied by a judge or legal advisor from the Technical Office or by the tutor himself, which allowed me to gain a more complete understanding of the work carried out in each case. The willingness to answer my questions and allow access to the required information was excellent, and I was able to participate in activities that were not initially planned during the internship, which I found to be of interest.

**Signs:**

<i>Justice of the Supreme Court of Chile.</i>	<i>President of the Supreme Court of Justice of Chile.</i>
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**Santiago, January 18th, 2024.-**