Capsulas

Your court agent could be your best friend

Practical reflections on the new powers granted by Organic Law 1/2025

Introduction

Organic Law 1/2025 has introduced a far-reaching reform of the Administration of Justice. In particular, by renaming and reorganising Tribunals of First Instance and the introduction of alternative dispute resolution mechanisms as a previous step to court proceedings. However, the legislation also incorporates other, less widely discussed changes that may be of great practical use, such as the expansion of court agents' (procurador de los tribunales) functions.

The court agent and their new functions

The court agent is a distinctive figure in the Spanish procedural system. Traditionally, their role has been to represent the parties before the courts and to facilitate the conduct of proceedings. The reform maintains this role but strengthens their capacity to cooperate with judicial bodies.

Following Organic Law 1/2025, court agents may undertake communication tasks, assist and cooperate with the courts, and carry out certain procedural acts where these have been expressly delegated by the judge. To this end, the law grants them authority to certify documents as well as access to the necessary credentials required t

An opportunity to speed up compliance with preliminary injunctions

These new functions may help to significantly expedite the conduct of certain proceedings, particularly those where speed is essential to ensure the effectiveness of judicial protection.

One area where this reform may be particularly relevant is preliminary injunctions. The effectiveness of these measures often depends on how quickly they can be notified to the persons or entities that must be notified of them or cooperate in their implementation.

Consider, for example, a preliminary injunction prohibiting the marketing of a specific medicinal product and ordering that this prohibition be communicated to the Spanish Medicines Agency or the Ministry of Health, so that the restriction is reflected in their records and takes effect.

If the court delegates this task, the court agent could carry out the communication immediately, even via the Government's General Electronic Register, without having to wait for the relevant court documents to be issued and processed.

In proceedings where every day counts, the possibility of using the court agent as an active collaborator in the enforcement of judicial decisions can play a decisive role in ensuring the effectiveness of the measures agreed by the courts.

In this context, the new functions introduced by Organic Law 1/2025 mean that, in certain circumstances, the court representative may become one of the best allies in securing the swift and effective enforcement of preliminary injunctions.