



Spain would like to confirm its active and constructive engagement in the Review exercise with the goal to strengthen and to improve the performance of the Court and the Rome Statute System.

Spain considers that the Experts' report gives a unique opportunity to achieve better accomplishment of governance and effectiveness and that this process must fully respect the statutory independence of the Court.

Concerning the categorization of recommendations according to the entity responsible, Spain takes into account the comprehensive content of the report and at the same time different nature of the recommendations. This first task of the Review Mechanism is a key step as not all recommendations have the same nature: some of them concern the strictly judicial or prosecutorial activity while others are connection with the responsibilities of the Assembly.

Spain takes a pragmatic and constructive approach to the issue. In this sense, for Spain, following in principle much of the specific guidance of the Report, the Organs of the Court should use the space of autonomy recognized in the Rome Statute to assess and implement as soon as possible those recommendations that are undisputed and clearly within their sphere of competence (in this regard Resolution ICC-ASP/19/Res.7 establishes regular updates to all States Parties through the Review Mechanism).

For the implementation of other kind of recommendations, a more detailed discussion would be required, although not necessarily a lengthy debate for all of them. That is the case of the issues dealt by existing Working Group, Facilitations or Points of Contact within The Hague and New York WG of the ASP. The assessment of the Assembly will also be needed when considering its oversight and guidance role and in issues that would need regulatory amendments or have budget implications.