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Small claims



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European Judicial Network
(in civil and commercial
matters)

1 Existence of a specific small claims procedure

Yes, the oral hearing procedure for claims of up to EUR 15 000. Without prejudice to the possible application of the European small claims procedure, which is governed by [REGULATION \(EC\) No 861/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL](#) in cases where sufficient budget is available for its application.

1.1 Scope of procedure, threshold

Claims of up to EUR 15 000 require an oral hearing.

1.2 Application of procedure

By means of an application submitted in writing, this takes the form of a standard application, unless the claimant is not using the services of a lawyer and court representative, in which case the application can be brief.

1.3 Forms

There are no mandatory standard forms. However, the Senior Judges' Offices provide standard forms that can be used for claims of up to EUR 2 000. The claimant can use them to write an application and the respondent to reply to it.

These forms can be downloaded from the website of the [General Council of the Judiciary](#).

If the claim exceeds EUR 2 000, the involvement of a lawyer and court representative is mandatory; the claim cannot be enforced or contested without such legal representation.

If the claim is not contested by the respondent, this does not mean that the amount of the claim will be upheld but simply that the respondent has defaulted, and the proceedings will continue.

1.4 Assistance

Claimants may appear at the oral hearing in person, but if the amount of the claim exceeds EUR 2 000, the involvement of a lawyer and a court representative is mandatory.

The court will provide persons with any form of disability, those over 60 who so request, and all over 80 with all the necessary arrangements and adjustments to ensure their equal participation. Proceedings involving those over 80 will be prioritised, both at the declaratory and enforcement stages.

1.5 Rules concerning the taking of evidence

The general rules regarding evidence apply: any kind of evidence is admissible, and it is possible to request and produce evidence before the hearing itself.

1.6 Written procedure

Both the claim and the defence are in written form. Issues relating to the proceedings are resolved in the course of the hearing. However, incidental issues cannot be raised once the evidence proposed has been declared admissible. Similarly, evidence is provided orally and primarily during the hearing.

1.7 Content of judgment

The judgment is reasoned and delivered in writing as in any other proceedings.

The judgment must contain a ruling on the costs incurred in the proceedings, which will be imposed on the party whose claims have all been dismissed at first instance and on appeal, unless the judge decides that there were serious legal or factual doubts. In the event that a claim is upheld in part there will be no award of costs, but the court may impose them on one of the parties if it finds that they acted recklessly.

1.8 Reimbursement of costs

If a lawyer and court representative are mandatory, and there is an order to pay costs, the party in whose favour costs are ordered may recover the costs of the proceedings, after these have been assessed and provided they do not exceed one third of the amount of the proceedings for each of the litigants included in the order.

If the litigant who has been awarded costs does not reside in the location of the hearing, the court representative's expenses may be reimbursed, even if their involvement is not mandatory.

1.9 Possibility to appeal

An appeal may be launched against the judgment if the amount of the case exceeds EUR 3 000. The appeal is lodged with the Provincial Court which has jurisdiction to hear the appeal, in writing and within a maximum of 20 days.

The jurisdiction to hear the appeal lies with the Provincial Court which will be constituted by a single judge, and no further appeal against the latter's judgment is possible.

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