

[Home](#) > ... > [Court Procedures](#) > [Civil Cases](#) > [Online Processing of Cases and E-communication With Courts](#) Spain

Online processing of cases and e-communication with courts

 Spain

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European Judicial Network
(in civil and commercial matters)

1 Is it possible to initiate court proceedings via the internet?

Yes, in general, throughout the country.

In a large majority of autonomous communities, this is mandatory for court representatives and lawyers representing and defending the parties, and for legal persons. However, a small number of regions are still in the process of finalising the implementation of the system.

This has been optional for natural persons since 1 January 2017, although in some regions the system is still under development.

The Ministry of Justice has a 'GENERAL ACCESS POINT TO THE JUDICIARY' [see link here](#), which contains the directory of electronic court offices that facilitate access to services, judicial proceedings and information relating to the Judiciary, the General Council of the Judiciary, the Public Prosecutor's Office and public bodies linked to or reporting to it, as well as to administrations with a competence in the field of justice and other public administrations or corporations representing the interests of legal professionals.

Any natural or legal person may submit documents electronically if they have an electronic ID card or a digital certificate.

The 'ELECTRONIC COURTHOUSE' ([see link here](#)) may also be used for legal formalities. It contains a register, available electronically, with information and details of the relevant resources and addresses; this also allows the Electronic Courthouse to grant the court representative the general power of representation for litigation and other practical services.

A registered electronic signature is required in order to guarantee the authenticity of the contents and provide proof of sending and receipt.

For proceedings starting from 20 March 2024:

- digital access, the lodging of legal submissions and documents, and the service of procedural decisions by electronic means to professionals and natural persons will be made widespread in all types of proceedings, should they so prefer;

- the electronic judicial file and the virtual consultation of the electronic file will be made widespread to the parties to the case,

- the holding of procedural acts remotely through the use of a digital identification tool in a secure environment, or via video conference with a judicial officer are preferred, although the judge may decide to derogate from this on the basis of the party's domicile and the procedural circumstances of a particular case.

- secure access points and places will be checked in accordance with the rules.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

Type of cases:

This is for all national civil, commercial and social law procedures, although it is still in the process of being implemented in some regions. Although there are sometimes faults in operations due to malfunctions in the system, it is being rolled out and improved all the time.

The document initiating the European payment order and small claims procedures can also be submitted online, although some regions are in the process of updating the systems.

Access for individuals is on the way to being implemented; in some territories such access may be temporarily limited.

Online only:

It is mandatory for court representatives, lawyers and other legal representatives of the parties, and for legal persons, to initiate all proceedings online and, in general, this system is being implemented nationwide.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

Document submission is generally available 24 hours a day, seven days a week. However, as some days are non-working days, if a procedure is initiated on a non-working day, it will only be finalised on the next working day.

Furthermore, the system may occasionally be taken out of service on non-working days for technical or maintenance purposes, especially during the month of August.

4 Should the details of the claim be provided in any particular format?

The following formats are recommended: .pdf, .rtf, .jpeg, .jpg, .tiff, .odt, .zip.

Compressed .zip files may only contain the following document formats: .pdf, .rtf, .jpeg, .jpg, .tiff, .odt.

In no case will it be possible to submit via LexNET audio, video or compressed zip files containing documents in formats other than those indicated above.

If the electronic document is too big for the system to handle, it will need to be filed in hard copy; artificially combining several documents in one single digital document is not permitted.

5 How is transmission and storage of data secured?

The competent public authorities are responsible for setting up the appropriate electronic systems; security is ensured through a system of prior authentication of electronic signatures for legal representatives and private individuals, while access for authorised officials is through cryptographic cards and digital certificates. The system must guarantee the authenticity of the content and provide proof of sending and receipt.

In accordance with the rules, there will be developments to regulate secure access points and digital identification tools in a secure environment.

6 Is it necessary to use any kind of electronic signature and/or time record?

Yes, through a system of prior authentication.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Court fees are payable for claims from legal persons but not from natural persons.

Payment must be made electronically online and the claim must be accompanied by proof of payment (failure to comply with this requirement can be rectified at a later date).

There is no difference between electronic and non-electronic procedures.

Information can be obtained from [this address](#)

The court fee can be paid on the Tax Agency's website ([by clicking here](#))

8 Is it possible to withdraw a claim that has been initiated via the internet?

Once submitted, a claim cannot be cancelled.

It may, however, be withdrawn by submitting notice of official withdrawal in electronic format.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

Each party will respond using the appropriate procedure according to their particular circumstances, as indicated above.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

Automated procedural documents are currently being implemented.

At this stage, the electronic procedure only applies to the submission of documents and notices served on the parties' legal representatives; court files are not processed automatically.

The court will provide the document in electronic format and will give notice in either electronic format or hard copy, depending on which rules apply and what the parties have opted for.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

Automated procedural documents are currently being implemented.

At this stage, court files are not processed automatically; the court will provide the document in electronic format and will give notice in either electronic format or hard copy, depending on which rules apply and what the parties have opted for.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

Yes, the submission of procedural documents and the provision of documents will be subject to the same terms as those set out in section (1) for initiation of the procedure. The only restrictions are those applicable to the type of document and its size.

The original document must be supplied where requested by the court, in which case it may be sent by post.

13 Can judicial documents, and particularly judgments, be served via the internet?

Acts of communication by electronic means is the general rule, and for the parties' legal representatives, it is mandatory.

The rule is currently being implemented in an automated manner following the judicial or procedural decision.

In some territorial jurisdictions, it is also mandatory for private legal persons. However, in others, where there are technical problems or the system is still under development, it may not yet be possible.

For natural persons, and following authentication, it is optional in those territorial jurisdictions in which the system has been implemented.

If the parties have submitted their claim and documents online they will be notified of the court decisions by the same medium.

14 Can judicial decisions be given electronically?

Yes; this is done in the same terms as in section 13.

15 Can an appeal be made and its decision served via the internet?

Yes; this is done in the same terms as in sections 1 and 13.

16 Is it possible to initiate enforcement proceedings via the internet?

Yes, under the same terms as those set out in section 1 for initiating the procedure.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

The general rule applicable in the whole country is that cases are consulted through the software apps ACCEDA and Horus, although there may be problems with timely and effective implementation.

Such access should normally be requested from the relevant court; access is communicated and made available on the websites of the Ministry of Justice referred to in section 1.

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