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Small claims

Spain



Spain

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 25 1 (a) Competent courts

The Court of First Instance (*juzgado de primera instancia*) and the Commercial Court (*juzgado de lo mercantil*) as laid down in Article 86b(2) of Spain's Organic Law on the Judiciary (*Ley Orgánica del Poder Judicial*), in particular for cases where the claim is linked to a claim deriving from a transport contract.

Article 25 1 (b) Means of communication

In addition to submissions in person before the competent court and submissions by post, Spanish courts also permit the submission of claims via the Electronic Courthouses (*sedes judiciales electrónicas*) of the authorities responsible for the administration of justice.

Article 25 1 (c) Authorities or organisations providing practical assistance

The parties can obtain practical assistance to fill in the forms, or find out more about the European Small Claims Procedure and the competent bodies for issuing a judgement, from the citizen advisory offices listed by the courts.

A technical advice service is provided for the submission of claims via an Electronic Courthouse.

Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

Via the Electronic Courthouses.

Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

The following parties must use electronic means of communication with the courts:

- a) Legal persons;
- b) Entities without legal personality;
- c) Professionals working in areas requiring registration in a professional organisation for any formalities and actions that they carry out with the Courts Service when exercising their professional activities;

d) Notaries and registrars;

e) Representatives of an interested party that must have electronic dealings with the Courts Service;

f) Public administration officials for any actions and steps that they carry out because of their position.

Article 25 1 (f) Court fees and the methods of payment

The European Small Claims Procedure is not subject to a court fee.

Article 25 1 (g) Appeal procedure and courts competent for an appeal

No appeals can be lodged for small claims of less than EUR 3 000.

For claims of EUR 3 000 to EUR 5 000, appeals can be lodged before the court that issued the initial judgement, which will rule on their admissibility and subsequent referral for judgement to the Provincial Court (*Audiencia Provincial*). The deadline for appeal is 20 working days as of the day following the notification date of the judgement.

Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

The appeal must be lodged in accordance with the procedures for ordinary proceedings laid down in Spanish legislation.

Article 25 1 (i) Accepted languages

Spanish, English.

Article 25 1 (j) Authorities competent for enforcement

The Court of First Instance and the Commercial Court, as laid down in Article 86b(2) of Spain's Organic Law on the Judiciary (in particular for cases where the claim is linked to a claim deriving from a transport contract).

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