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Succession

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 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

The jurisdiction to deal with an application for a declaration of enforceability falls to the Court of First Instance (*Juzgado de Primera Instancia*) in the place of domicile of the party that is the subject of the request for recognition or enforcement or in the place of enforcement where the judgment is to take effect.

Rule 2 of the Twenty-Sixth Final Provision of Law 1/2000 on civil procedure (*Ley de Enjuiciamiento Civil*), as worded in the Second Final Provision of Law 29/2015 on international legal cooperation (*Ley de Cooperación Jurídica Internacional*) in civil matters.

Decisions may be appealed. The jurisdiction to deal with appeals falls to the Provincial Court (*Audiencia Provincial*).

Rule 5 of the Twenty-Sixth Final Provision of Law 1/2000 on civil procedure, as worded in the Second Final Provision of Law 29/2015 on international legal cooperation in civil matters.

Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

The procedures to contest decisions given on appeal under this Law are: an extraordinary appeal for breach of procedure (*recurso extraordinario por infracción procesal*) and an appeal in cassation (*recurso de casación*).

Rule 5 of the Twenty-Sixth Final Provision of Law 1/2000 on civil procedure, as worded in the Second Final Provision of Law 29/2015 on international legal cooperation in civil matters.

Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

The certificate will be issued by the competent court or notary in each case.

a) A European Certificate of Succession issued by a court will be issued by a separate order (*mediante providencia*) pursuant to Article 67 of Regulation (EU) No 650/2012, following an application for a certificate submitted using the form referred to in Article 65(2) of this Regulation.

The court that has dealt with or is dealing with the succession will have jurisdiction to deal with issuing a

European Certificate of Succession. A copy of the certificate issued will be given to the applicant.

b) Upon request, the competent notary who declares all or part of the succession, or their legal representative or replacement if applicable, will be responsible for issuing the certificate pursuant to Article 62 of Regulation (EU) No 650/2012, using the form referred to in Article 67 of this Regulation.

Rules 11 and 14 of the Twenty-Sixth Final Provision of Law 1/2000 on civil procedure, as worded in the Second Final Provision of Law 29/2015 on international legal cooperation in civil matters.

Article 78 (d) - the redress procedures referred to in Article 72

a) The procedure for modifying, cancelling or refusing to issue a European Certificate of Succession to be issued by the court will be in the form of a separate decision (*mediante auto*), which may only be challenged by requesting a review (*recurso de reposición*) from the same court (*en única instancia*).

b) If a notary refuses to correct, modify, cancel or issue a European Certificate of Succession, a review may be requested from the Court of First Instance of the official place of residence of the notary, which will be settled by summary oral proceedings (*trámites del juicio verbal*).

Rules 12,13, 15 and 16 of the Twenty-Sixth Final Provision of Law 1/2000 on civil procedure, as worded in the Second Final Provision of Law 29/2015 on international legal cooperation in civil matters.

Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

Notaries for declarations of intestate heirs, as well as the submission to a judge, verification, opening and notarisation of sealed, holograph and oral wills, and the drawing up of an inventory of succession assets.

Articles 55 and 56; 57 to 65, 67 and 68 of the Law on notaries (*Ley del Notariado*), as worded by the Eleventh Final Provision of Law 15/2015 of 2 July 2015 on non-contentious proceedings (*Ley de la Jurisdicción Voluntaria*).

■ Last update: 26/02/2024

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