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# Matters of matrimonial property regimes

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 64(1) (a) - the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 44(1) and with appeals against decisions on such applications in accordance with Article 49(2)

The court with jurisdiction to deal with applications for a declaration of enforceability is the Court of First Instance (*Juzgado de Primera Instancia*) of the place of domicile of the party against which recognition or enforcement is sought or of the place of enforcement.

Article 64(1) (b) - the procedures to contest the decision given on appeal referred to in Article 50

Appeal against a decision. The court with jurisdiction to deal with appeals is the Provincial Court (*Audiencia Provincial*).

The procedures to contest a decision given on appeal by the Provincial Court may be in the form of an extraordinary appeal for breach of procedure (*recurso extraordinario por infracción procesal*) or an appeal in cassation (*recurso de casación*).

Article 65 (1) - the list of the other authorities and legal professionals referred to in Article 3(2)

In Spain, there are no authorities with the characteristics and scope listed in Article 3(2) falling under this Regulation.

In terms of the application [1] of Regulation (EU) No 650/2012, as declared by Spain in accordance with Article 79, there are only notaries - see below.

[1] (Article 79 of Regulation (EC) No 650/2012)

Notaries, for declarations of intestate successors; procedures regarding submission, verification, opening and notarisation of sealed, holograph, and special wills; and the drawing up of inventories.

*Articles 55 and 56; 57 to 65, and 67 to 68 of the Law on Notaries (Ley del Notariado) in the wording laid down in the Eleventh Final Provision of Law 15/2015 of 2 July 2015 on Non-Contentious Proceedings (Ley de la Jurisdicción Voluntaria).*

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