

[Home](#) > ... > [Taking Legal Action](#) > [European Judicial Atlas In Civil Matters](#) > [Brussels IIb Regulation - Matrimonial Matters and Matters of Parental Responsibility \(recast\)](#) > [Spain](#)

Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

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 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

Judges and magistrates (*jueces y magistrados*) are competent to deal with the matters set out in Article 1(1)(a) and (b).

Additionally, in the case of Article 1(1)(a) notaries (*notarios*) are competent, provided that no children are involved in the proceedings. Judicial officers (*Letrados de la Administración de Justicia*), who have the power to approve divorces by mutual agreement, are also competent.

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

The Bar Associations (*Colegios de Abogados*) are competent authorities in the same terms as set out in Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

The administrative authority which recognises the right to or benefit of legal aid is the Legal Aid Commission (*Comisión de Asistencia Jurídica Gratuita*) of the province concerned.

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

The judicial officers are the competent authorities as regards the certificate referred to in Article 36(1)(a) and (b).

In the case of the certificate referred to in Article 36(1)(c), the judicial officers, the courts and the authorities competent to issue the certificate for an authentic instrument (*documento público*) or agreement referred to in Article 66 are the competent authorities.

Finally, as regards the certificate referred to in Article 66(1)(a), the judicial officers and notaries are the competent authorities, while the judicial officers are the competent authorities as regards Article 66(1)(b).

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

Only the body that issued the original certificate is competent to ‘rectify’ that certificate in the event of a material error (or to ‘specify the lack or limitation of a certified decision’).

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

Bodies competent to recognise or refuse to recognise a decision and to refuse enforcement (Articles 30(3), 40(2) and 58(1)): the Court of First Instance (*juzgado de primera instancia*) with local jurisdiction.

Bodies competent to hear challenges or appeals and further challenges or appeals (Articles 58(1), 61(1) and 62): the Provincial Court (*Audiencia Provincial*) with local jurisdiction to hear appeals against refusals to enforce, and for the cases provided for in Article 62, the Supreme Court (*Tribunal Supremo*) by means of an appeal on a point of law.

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

The Court of First Instance or the Courts of First Instance and Preliminary Investigations (*Juzgados de Primera Instancia e Instrucción*) with local jurisdiction, the Family Court (*Juzgado de Familia*) or the Court for Violence against Women (*Juzgado de Violencia Sobre La Mujer*), where applicable.

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

An appeal may be lodged against a decision on the application for refusal of enforcement with the body that issued that decision. The appeal is decided by the Provincial Court with local jurisdiction.

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

Ministry of Justice
Subdirectorato-General for International Legal Cooperation
International Child Abduction Service
C/San Bernardo, 62
28071 MADRID
Spain

Communications should be sent to the following email address:

sustraccionmenores@mjusticia.es

All information on international child abduction procedure is available on the website of the Spanish Ministry of Justice, here: <https://www.mjusticia.gob.es>

Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that

Member State as referred to in Article 82

Not applicable.

Article 103 (1) (h) - Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

English and Spanish.

Article 103 (1) (i) - Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

Spanish.

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