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Serving documents (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 3(1) - Transmitting agencies

Judicial officers (*Letrados de la Administración de Justicia*) are competent for the transmission of judicial and extrajudicial documents.

Article 3(2) - Receiving agencies

Judicial officers working for the Joint Centre for Service (*servicio común de notificaciones*) of the place where service is to be effected are competent for the receipt of judicial and extrajudicial documents. In the absence of a Joint Centre for Service, the judicial officer of the Court of First Instance (*Juzgado de Primera Instancia*) of the place where service is to be effected is competent.

All requests are sent to the General Joint Centre's Registry and Distribution Service (*Servicio de Registro y Reparto dependiente del Servicio Común General*), in the absence of which they are sent to the Court Registry (*Juzgado Decano*) for distribution to the authority competent for service. Under the Spanish judicial system, the authority designated by Spain as a receiving authority (Court Registries and Central Services (*Decanatos y Servicios comunes procesales*)) forwards the request to the authority competent for service.

Article 3(4)(c) - Means of receipt of documents

As regards the means of reception currently available, the courts are able to use IT and digital means to effect service. In the absence of electronic means, service is effected by post with acknowledgement of receipt.

Article 3(4)(d) - Languages that may be used for the completion of the standard form set out in Annex I

Languages that may be used for completion of the standard form: English, French, Portuguese or Spanish.

Article 4 - Central body

The central body designated by Spain is the Subdirectorate-General for International Legal Cooperation at the Ministry of Justice (*Subdirección General de Cooperación Jurídica Internacional del Ministerio de Justicia*).

Subdirectorate-General for International Legal Cooperation

Ministry of Justice

C/San Bernardo, 62

28015 Madrid

Email: sgcji@mjusticia.es

rogatoriascivil@mjusticia.es

Article 7 – Assistance in address enquiries

The authority competent for service is responsible for carrying out address enquiries.

In accordance with Article 7(1)(a) of the Regulation, transmitting agencies may address requests on the determination of the address of the person to be served with the document to the competent authority designated by Spain for service.

In accordance with Article 7(2)(c) of the Regulation, the Spanish authorities competent for service will, on their own initiative, submit requests to domicile registries or other databases for information about addresses in cases where the address indicated in the request for service is not correct.

Article 8 – Transmission of documents

Languages that may be used for completion of the standard form: Spanish, English, French and Portuguese.

Article 12 – Refusal to accept a document

Form L has not been translated into the language of a third country.

Article 13 – Date of service

The date of service varies depending on the document to be served and the type of proceedings or stage of the proceedings, with the usual practice being between 3 and 5 days.

The relevant procedural rules apply.

Article 14 – Certificate of service and copy of the document served

The certificate of service must be completed in Spanish.

Article 15 – Costs of service

Not applicable.

Article 17 – Service by diplomatic agents or consular officers

Spain is opposed to the service on its territory of documents from other Member States by consular or diplomatic services, unless they are served on a national of that Member State (Member State of origin).

Article 19 – Electronic service

Not applicable.

Article 20 – Direct service

Direct service is not possible in Spain. Procedural representatives (*procuradores*) may not effect service, unless they are expressly authorised by a judicial officer.

Article 22 – Defendant not entering an appearance

Spain states that the judge may lift a stay of proceedings and rule as appropriate if all the requirements laid down in Article 22 of Regulation (EU) 2020/1784 are met.

As regards the judge's power to accept applications for relief, Spain has specified that applications for relief will not be admissible if they are lodged more than one year after the date of the judgment.

Article 29 – Relationship with agreements or arrangements between Member States

No comment.

Article 33(2) – Notification on the early use of the decentralised IT-system

No comment.

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