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My e-Justice space

Spain



Spain

Due to the diversity of portals and web pages to carry out online legal procedures, carry out consultations or set up appointments, the Ministry of Justice has created a centralised repository of procedures in an e-Justice portal called the Electronic Judicial Office. This portal offers a list and explanation of available procedures in the justice system.

According to Law 18/2011, the Electronic Judicial Office is available to citizens and justice professionals to carry out procedures in the field of justice under the competence of the Ministry of Justice. The Electronic Judicial Office includes the following competences: Supreme Court, National Court and the Autonomous Communities of Extremadura, Castilla la Mancha, Castilla y León, Balearic Islands, Region of Murcia, Ceuta and Melilla. The other communities have their own regional judicial departments.

The web portal allows citizens and justice professionals to interact with the Administration of Justice through the internet and make inquiries and carry out procedures electronically. More information on the digital procedures is provided below and can also be accessed [here](#).

Possibility to lodge an application for legal aid

Purpose and scope: The Spanish Constitution recognizes the right to Legal Aid for those who prove insufficient resources to litigate. Also when provided by law in specific cases.

Competent authority: The Spanish Bar Association (Abogacía Española) is the representative, coordinating and senior executive body of the 83 Bar Associations in Spain. Among its fundamental missions is to organize the professional practice of lawyers.

Conditions of access: have the right to Legal Aid

- Those who prove insufficient financial means;
- Regardless of their economic means, workers and beneficiaries of Social Security (to defend their labour rights), victims of gender violence, terrorism and human trafficking (in trials for their status as victims), minors and people with mental disabilities when they are victims of situations of abuse or mistreatment.

Legal effects of electronic document: Not relevant (no electronic documents are submitted or received)

Possibility to complete the procedure fully online: Not available. The website provides information to potential users, who are referred to local Bar branches. It is unclear if some local branches allow to file an online application for the service.

Cost: The service is free

Link: <https://www.abogacia.es/servicios/ciudadanos/servicios-de-orientacion-juridica-gratuita/>

Compensation

Purpose and scope:

Compensation to victims of acts of terrorism is available for both personal and material damages to those who have been affected or their families

(https://www.interior.gob.es/opencms/pdf/servicios-al-ciudadano/ayudas-y-subsvenciones/ayudas-a-victimas-de-actos-terroristas/documentos-informativos/Ayudas_indemnizaciones_victimas_terrorismo.pdf)

Other compensation claims available on the Ministry of Interior

Individuals have the right to be compensated by the Ministry of the Interior for damage or injury to their property and rights as a result of the normal or abnormal functioning of the public services of the Ministry of the Interior; except in cases of force majeure or damages that the individual has the legal duty to bear in accordance with the Law.

Damages suffered by foreign means of transport of goods or groups of passengers, their cargo and occupants, who are in Spanish territory making international transport trips, are compensable by the State, provided that such damages are directly derived from violent, indiscriminate or selective actions, carried out by persons identified or not and in relation to an existing conflict.

Competent authority: Ministry of Interior

Conditions of access:

- **Eligibility requirements:** being or representing a victim of a terrorist act
- **Identification and authentication requirements:** the users can use an electronic certificate or the CI@ve access service explained above.
- **Documents to be provided:** depending on the situation (death, permanent injury, non-permanent injury, etc), the claimant needs to provide some of the following documents (that can be uploaded to the online form):
 - Death certificate of the victim (if applicable)
 - Photocopy of the "Family Book" (passport-type document with information on the marriage and parenthood of a given family)
 - Police claim or report
 - Medical or psychological reports
 - Judicial sentence
 - Administrative resolution
 - Other documents proving the status of victim

Legal effects of electronic document: Information on the legal effects is not available

Possibility to complete the procedure fully online: Yes

Cost: Free of charge

Link: <https://sede.mir.gob.es/opencms/export/sites/default/es/procedimientos-y-servicios/>

Initiation of a civil case online

Purpose and scope:

The Electronic Judicial Office offers any physical or legal person the possibility of submitting a written statement to initiate a claim, if the amount is limited to:

1. Written statement to initiate an order of payment in a civil case: the total amount has no limit.
2. Written statement to initiate an order of payment in a social case: the total amount cannot exceed EUR 6,000, when it originates from an employment relationship.
3. Written statement to initiate an order of payment in a community of neighbors: the total amount has no limit.
4. Written statement to initiate a trial: the total amount cannot exceed EUR 2,000.
5. Written statement to initiate the execution of a court order: the total amount for which execution is dispatched cannot exceed EUR 2,000.

According with the Spanish Procedural Civil Act, the parties shall be assisted by a lawyer and attorney when the amount of the process exceeded of 2,000 euros.

Competent authority: Ministry of Justice

Conditions of access:

- Eligibility requirements: this service is available to all citizens
- Identification and authentication requirements: the users can use their electronic national identity card, an electronic certificate or the Cl@ve access service explained above
- Documents to be provided: this is not specified in the available guidance

Legal effects of electronic document: The submission of the document requires a valid electronic signature (which is required to access the system in the first place, so no additional requirements seem to be needed)

Possibility to complete the procedure fully online: Yes

Cost: This service is free of charge

Link: <https://sedejudicial.justicia.es/-/presentacion-de-escritos>

Electronic service of judicial documents

Purpose and scope:

The Electronic Judicial Office offers citizens the possibility of logging into a “Personal area” where documents can be accessed and stored and notifications can be set up and consulted. The available services include:

- Access to judicial procedures that the citizen is party to,
- Communication services the citizen has subscribed to,
- Creation, submission and storage of written statements (these are explained above),
- Access to power of attorney the citizen is party to,
- Access to documentation that has been shared with the citizen as part of judicial processes they

- are party to,
- Notifications related to the citizen's judicial procedures
 - Access to Secure Verification Code that allows citizens to verify the validity of the alphanumeric code that appears on all electronic documents issued digitally by the courts and the Ministry of Justice. Any paper copy of the Ministry's electronic originals will be considered an authentic copy if it includes the CSV.
 - Consult on the progress of legal procedures
 - Judicial scheduled appointment
 - Consultation of electronic judicial files
 - Electronic Auctions

Additionally, there is a "Carpeta ciudadana" (citizen's folder) provided by the central government that unifies all the documents and procedures held by all the public administration bodies about the citizen. This folder seems to be under development. It is accessible using electronic certificate or the Cl@ve access service.

Competent authority: Ministry of Justice

Conditions of access:

- Eligibility requirements: this service is available to all citizens
- Identification and authentication requirements: the users can use their electronic national identity card, national certificate or the Cl@ve access service explained above
- Documents to be provided: it depends on the procedure. To access the service, no documents are required

Legal effects of electronic document: Electronic documents are signed digitally

Possibility to complete the procedure fully online: Yes

Cost: This service is free

Link: <https://sedjudicial.justicia.es/group/guest/area-privada>

Participation in judicial auctions

Purpose and scope: Electronic Auctions are advertised through notices published in the 'Administración de Justicia' (Administration of Justice) section of the [B.O.E.](#) (Boletín Oficial del Estado, Official State Gazette) portal, and on the [auctions portal itself](#).

Under Spanish law, the sale may also be carried out by specialist persons or entities, whether public or private, and, when the judicial authority agrees to this, the sale or auction must comply with the rules of that entity, provided they are not incompatible with the aim of enforcement or protecting the interests of both the enforcing party and the person against whom enforcement is being carried out, under Article 641 LEC.

The first paragraph of the above provision states that the Associations of Attorneys (*Colegios de Procuradores*) may take on these functions, and they have set up their own [electronic auctions portal](#) for that purpose.

Competent authority: Ministry of Justice

Conditions of access: None

Legal effects of electronic document: N/A

Possibility to complete the procedure fully online: Yes

Cost: None

Link: Electronic Auctions are advertised through notices published in the 'Administración de Justicia' (Administration of Justice) section of the [B.O.E.](#) (Boletín Oficial del Estado, Official State Gazette) portal, and on the [auctions portal itself](#)

Access to mediation services

Purpose and scope:

The service to access mediation services is not available in Spain. Only the registration services for mediators and mediation institutions can be carry out electronically.

Competent authority: Ministry of Justice (Central government for some autonomous communities), regional justice departments for autonomous communities with devolved competencies in justice

Conditions of access: N/A

Legal effects of electronic document: N/A

Possibility to complete the procedure fully online: No

Cost: N/A

Link: <https://www.mjusticia.gob.es/es/ciudadania/tramites/registro-mediadores>

Company formation and access to information on companies

Purpose and scope:

The portal "creación de empresas por Internet" (CIRCE, acronym in Spanish language) for company formation provided by the Ministry of Industry, Commerce and Tourism provides information for the setting up of businesses and companies online. Through the portal it is possible to register the following:

- Limited Liability Company
- Joint ownership
- Non-profit
- Self-employed

To create a company, the entrepreneur must fill out the Single Electronic Document (DUE). This document includes several forms and its completion can be difficult. The General Directorate of Industry and SMEs has a set of explanatory videos for each sections of the DUE (online courses).

In addition, the following networks to support entrepreneurs have been set up:

- PAE Network: the Entrepreneur Service Points (PAE) are offices dependent on Public Administrations and public and private entities, as well as professional associations, business organizations and chambers of commerce providing in person support.
- Virtual PAE: online support for carrying out the procedures for the formation and start-up of the company or registering as self-employed digitally

The service also allows citizens who have started the business creation procedure or registration as self-employed to consult the status of their file.

Competent authority: Ministry of Industry, Commerce and Tourism

Conditions of access:

- Eligibility requirements: the service is accessible to all citizens
- Identification and authentication requirements: the users can use electronic certificate or the Cl@ve access service explained above
- Documents to be provided: Depending on the legal form that has been chosen, there are a number of documents that need to be provided, making more or less complex

Legal effects of electronic document: N/A

Possibility to complete the procedure fully online: Yes

Cost: The service is free to use (excluding any fee to carry out the procedure to set up a business)

Link: <http://www.creatuempresa.org/es-ES/Paginas/CEHome.aspx>

Translation services (incl. machine translation and its legal impact)

N/A

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