

## Small claims - Spain



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#### 1 Existence of a specific small claims procedure

Yes, oral proceedings for claims up to EUR 6 000.

##### 1.1 Scope of procedure, threshold

Claims up to EUR 6 000 are pursued via oral proceedings.

##### 1.2 Application of procedure

By means of an application filed in writing.

##### 1.3 Forms

There is no standard, mandatory form. However, the Senior Judges' Offices (*los Decanatos*) usually provide a standard template or printed form for claims up to EUR 2 000.

This form is only used for the statement of claim, and its use is discretionary. It can be downloaded from the website of the General Council of the Judiciary [Consejo General del Poder Judicial](#).

##### 1.4 Assistance

Claimants may appear at the oral proceedings in person, but if the amount of the claim exceeds EUR 2 000, the involvement of a lawyer (*abogado*) and a procedural agent (*procurador*) is mandatory.

##### 1.5 Rules concerning the taking of evidence

The general rules govern evidence: any kind of evidence is accepted, and it is possible to request and produce evidence before the hearing.

#### **1.6 Written procedure**

Written formalities in the procedure include the claim and the defence. Procedural issues are resolved at the trial. Similarly, evidence is offered orally and produced primarily in court.

#### **1.7 Content of judgment**

The judgment is given with reasons and in writing, in the same form as in any other procedure.

#### **1.8 Reimbursement of costs**

If a lawyer and procedural agent are mandatory, and there is an order to pay costs, the party in whose favour costs are ordered may be reimbursed for the costs of the proceedings, after assessment, and provided these do not exceed a third of the amount of the proceedings for each of the litigants who have obtained the order.

If the litigant who has won costs lives away from the place of the trial, the procedural agent's expenses may be reimbursed, even if the involvement of a procedural agent is not mandatory.

#### **1.9 Possibility to appeal**

The judgment is appealable if the amount of the case exceeds EUR 3 000. The appeal is presented at the same court, in writing and within a maximum period of 20 days.

The provincial court (*Audiencia Provincial*) is responsible for hearing appeals and no appeals may be lodged against its judgment.

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