

## Small claims - Spain

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

Yes, claims up to EUR 6 000 require an oral hearing, without prejudice to the possible application of the European Small Claims Procedure under [Regulation \(EC\) No 861/2007 of the European Parliament and of the Council](#) for amounts falling within the scope of its application.

##### 1.1 Scope of procedure, threshold

Claims up to EUR 6 000 require an oral hearing.

##### 1.2 Application of procedure

By means of an application submitted in writing.

##### 1.3 Forms

There are no standard, mandatory forms. However, the Senior Judges' Offices (*Decanatos*) provide standard forms that can be used for claims up to EUR 2 000 by the claimant to submit an application and by the respondent to contest it.

These forms can be downloaded from the website of the [General Council of the Judiciary](#) (*Consejo General del Poder Judicial*).

If the claim exceeds EUR 2 000, the involvement of a lawyer (*abogado*) and court representative (*procurador*) is mandatory; the claim cannot be enforced or contested without such legal representation.

If the claim is not contested by the respondent, this does not mean that the amount of the claim will be upheld but simply that the respondent has defaulted and the proceedings will continue.

#### **1.4 Assistance**

Claimants may appear at the oral hearing in person, but if the amount of the claim exceeds EUR 2 000, the involvement of a lawyer and a court representative is mandatory.

If the claimant does not appear at the hearing, either represented by a lawyer and court representative or in person if the involvement of a legal representative is not required, it will be considered that the claim has been withdrawn, unless the respondent has a legitimate interest in the claim and requests that the proceedings be continued for delivery of a final judgment on the merits.

If the respondent does not appear in person, the proceedings will continue.

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

The general rules regarding evidence apply: any kind of evidence is admissible, and it is possible to request and produce evidence before the hearing itself.

#### **1.6 Written procedure**

Both the claim and defence are in written form. Procedural issues will be resolved at the hearing. Similarly, evidence is provided orally and primarily during the hearing.

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

The judgment is reasoned and delivered in writing as in any other proceedings.

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

If a lawyer and court representative are mandatory, and there is an order to pay costs, the party in whose favour costs are ordered may recover the costs of the proceedings, after these have been assessed and provided they do not exceed a third of the amount of the proceedings for each of the litigants included in the order.

If the litigant who has been awarded costs does not reside in the location of the hearing, the court representative's expenses may be reimbursed, even if their involvement is not mandatory.

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

An appeal may be launched against the judgment if the amount of the case exceeds EUR 3 000. The appeal is lodged with 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 further appeals may be lodged against its final judgment.

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