Upozorňujeme, že výchozí es verze této stránky byla v nedávné době aktualizována. Na překladu do jazyka, ve kterém se vám stránka právě zobrazuje, zatím pracujeme.
Swipe to change

španělština

Online processing of cases and e-communication with courts

Španělsko

Do jazyka, který máte právě nastavený, úřední překlad neexistuje.
Zde je k dispozici strojový překlad. Upozorňujeme, že má pouze orientační charakter. Provozovatel těchto stránek odmítá právní odpovědnost za kvalitu tohoto strojového překladu.

-----angličtina

1 Is it possible to initiate court proceedings via the internet?

Yes, partially.
In general, in a large majority of territories, it is mandatory for court procedural representatives and lawyers representing the parties, although in some territories it is not yet possible for professionals to do so.
In some territorial jurisdictions, it is also mandatory for private individuals and legal entities. In others, meanwhile, where the system is still under development, it is not yet possible to initiate all procedures online, though it may be possible and/or mandatory to initiate certain procedures in this way.
Although it has been optional for private individuals since 1 January 2017, it is not yet possible in territorial jurisdictions where the system is still under development.
The Ministry of Justice keeps the 'ELECTRONIC COURTHOUSE' (*Sede Judicial Electrónica*)(https://sedejudicial.justicia.es/tramites-y-servicios) with a register, available electronically, containing information and details of the relevant resources and addresses, and also allows the Electronic Courthouse to grant the court procedural representative the general power of representation for litigation and other practical services.
A registered electronic signature is required in order to guarantee the authenticity of the contents and provide proof of sending and receipt.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

It is available for all civil and social procedures under national law, although there are limits in some territorial jurisdictions and procedures, and it is fairly widely used for order for payment and oral procedures.
The document initiating the European Order for Payment Procedure and the Small Claims Procedure can be submitted online only if it is signed by means of an electronic signature of a court procedural representative or lawyer authorised in Spain to represent the parties, which is assimilated to direct submission, but only in those territories where court procedural representatives can file claims.
Access for private individuals is still under implementation and in some territorial jurisdictions may provisionally be limited to procedures at national level, such as orders for payment, oral procedures or claims for action brought under labour law. It does not extend to the submission of procedural documents.
It is mandatory for court procedural representatives and other legal representatives to initiate all procedures online and, in general, this system is being implemented nationwide, with a few exceptions, such as the Basque Country.
In Andalusia and Madrid it is mandatory for court procedural representatives and lawyers for all types of procedures.
Individuals can only initiate civil oral procedures and orders for payment, and orders for payment before employment courts.
In Galicia professionals and individuals can only initiate civil orders for payment, orders for payment before employment courts and oral civil procedures.
In the Basque Country it is not possible to initiate procedures online.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

It is generally available 24 hours a day, 7 days a week. However, as some days are non-working days, if procedures are initiated on a non-working day, they will only come into effect on the next working day.
Furthermore, the system may occasionally be taken out of service on non-working days for technical or maintenance purposes, especially during the month of August.

4 Should the details of the claim be provided in any particular format?

The following formats are recommended: .pdf, .rtf, .jpeg, .jpg, .tiff, .odt, .zip.
Compressed .zip files may only contain the following document formats: .pdf, .rtf, .jpeg, .jpg, .tiff, .odt.
In no case will it be possible to submit via LexNET audio, video or compressed zip files containing documents in formats other than those indicated above.
If the electronic document is too big for the system to handle, it will need to be filed in hard copy. Artificially combining several documents in one single digital document is not permitted.

5 How is transmission and storage of data secured?

The competent public authorities are responsible for setting up the appropriate electronic systems. Security is ensured through a system of prior authentication of electronic signatures for legal representatives and private individuals, while access for authorised officials is through cryptographic cards and digital certificates. The system must guarantee the authenticity of the content and provide proof of sending and receipt.

6 Is it necessary to use any kind of electronic signature and/or time record?

Yes, through a system of prior authentication.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Court fees are payable for claims from legal entities but not from private individuals.
Payment must be made electronically online and the claim must be accompanied by proof of payment (failure to comply with this requirement can be rectified at a later date).
There is no difference between electronic and non-electronic procedures.

More information can be found on
https://www.administraciondejusticia.gob.es/paj/publico/pagaj/Pagina1Columna1Fila/!ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP0os3hjL0MjCydDRwN3k0AzA8cgI0sTRwsnIwMLA_2CbEdFADc9sTY!/?itemId=240416
The court fee can be paid on the Tax Agency's website (https://sede.agenciatributaria.gob.es/Sede/procedimientoini/GC07.shtml)

8 Is it possible to withdraw a claim that has been initiated via the internet?

Once submitted, a claim cannot be cancelled.
It may, however, be withdrawn by submitting notice of official withdrawal in electronic format.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

Each party will respond using the appropriate procedure according to their particular circumstances, as indicated above.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

Nothing. The electronic procedure only applies to the submission of documents and notices served on the parties' legal representatives. Court files are not processed automatically.
The court will provide the document in electronic format and/or hard copy and will give notice in either electronic format or hard copy, depending on which rules apply and what the parties have opted for.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

Nothing. Court files are not processed automatically. The court will provide the document in electronic format and/or hard copy, and will give notice in either electronic format or hard copy, depending on which rules apply and what the parties have opted for.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

Yes, the submission of procedural documents and the provision of documents will be subject to the same terms as those set out in section (1) for initiation of the procedure. The only restrictions are those applicable to the type of document and its size.
The system can be used by court procedural representatives and lawyers in all procedures, although private individuals' access is still under implementation and in some territorial jurisdictions it may be provisionally restricted while in others it may not yet be possible, where the system is still under development.
In the Basque Country, all documents other than the first written submissions by the parties must be submitted electronically in the case of court procedural representatives and lawyers. Private individuals are not allowed to carry out procedures electronically.
Prior authentication with the legal representative's electronic signature is required.
The original document must be supplied where requested by the court, in which case it may be sent by post.

13 Can judicial documents, and particularly judgments, be served via the internet?

Yes. For the parties' legal representatives, it is mandatory.
In some territorial jurisdictions, it is also mandatory for both private individuals and legal entities. However, in others, where the system is still under development, it may not yet be possible.
For private individuals, and following authentication, it is optional in those territorial jurisdictions in which the system has been implemented.
If the parties have submitted their claim and documents online they will be notified of the court decisions by the same medium.

14 Can judicial decisions be given electronically?

Yes. For the parties' legal representatives, it is mandatory.
In some territorial jurisdictions, it is also mandatory for both private individuals and legal entities. However, in others, where the system is still under development, it may not yet be possible.
For private individuals, and following authentication, it is optional in those territorial jurisdictions in which the system has been implemented.
If the parties have submitted their claim and documents online they will be notified of the court decisions by the same medium.

15 Can an appeal be made and its decision served via the internet?

Yes, on the same terms under which the application and documents have been submitted. For the parties' legal representatives, it is mandatory.
In some territorial jurisdictions, it is also mandatory for both private individuals and legal entities. However, in others, where the system is still under development, it may not yet be possible.
For private individuals, and following authentication, it is optional in those territorial jurisdictions in which the system has been implemented.

16 Is it possible to initiate enforcement proceedings via the internet?

Yes, under the same terms as those set out in section (1) for initiating the procedure.
In many territorial jurisdictions, it is mandatory for the parties' legal representatives.
In some territorial jurisdictions, it is also mandatory for both private individuals and legal entities. However, in others, where the system is still under development, it may not yet be possible.
For private individuals, following authentication, it is optional in those territorial jurisdictions in which the system has been implemented.
In the Basque Country it is not possible to initiate procedures online and the application for enforcement must be submitted in hard copy.
The Ministry of Justice keeps the 'ELECTRONIC COURTHOUSE' (*Sede Judicial Electrónica*)(https://sedejudicial.justicia.es/tramites-y-servicios) with a register, available electronically, containing information and details of the relevant resources and addresses.
It is also possible to participate in court auctions by electronic means (https://subastas.boe.es/); information is provided on the 'ELECTRONIC COURTHOUSE' (https://sedejudicial.justicia.es/tramites-y-servicios).
A registered electronic signature is required in order to guarantee the authenticity of the contents and provide proof of sending and receipt.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Only in some territorial jurisdictions. Access is provided from the above-mentioned ELECTRONIC COURTHOUSE of the Ministry of Justice (https://sedejudicial.justicia.es/tramites-y-servicios).
The parties' legal representatives can consult online cases in Aragon, Navarre, Cantabria and Valencia.
In other territorial jurisdictions, such as the Balearic Islands or Catalonia, the system is being implemented and will be accessible to legal representatives in the near future.
In Andalusia, the parties and their legal representatives have access to some information, such as parties, status of procedures and courts' daily case list.
In the Basque Country, professionals have access only to videos with recordings of trials.
Conversely, in other territorial jurisdictions there are no plans to provide this access, even for legal professionals.
Private individuals cannot currently access the court file.

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