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hispaania keel

Small claims

Hispaania

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1 Existence of a specific small claims procedure

Yes, the oral hearing procedure for claims of up to EUR 6 000. Without prejudice to the possible application of the European small claims procedure, which is governed by [REGULATION \(EC\) No 861/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL](#) in cases where sufficient budget is available for its application.

1.1 Scope of procedure, threshold

Claims of up to EUR 6 000 require an oral hearing.

1.2 Application of procedure

By means of an application submitted in writing. This takes the form of a standard application, unless the claimant is not using the services of a lawyer (*abogado*) and court representative (*procurador*), in which case the application can be brief.

1.3 Forms

There are no mandatory standard forms. However, the Senior Judges' Offices (*Decanatos*) provide standard forms that can be used for claims of up to EUR 2 000. The claimant can use them to write an application and the respondent to reply to 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 and court representative 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in person if the involvement of a legal representative is not required, it will be considered that the claim has been withdrawn, unless the respondent has a legitimate interest in the claim and requests that the proceedings be continued for delivery of a final judgment on the merits.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 the defence are in written form. Issues relating to the proceedings are resolved in the course of the hearing. However, incidental issues cannot be raised once the evidence proposed has been declared admissible. 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 one 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 jurisdiction to hear the appeal lies with the Provincial Court (*Audiencia Provincial*), which will be constituted by a single judge, and no further appeal against the latter's judgment is possible, although an appeal on a point of law against those judgments has been allowed in some autonomous communities with their own civil law.

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