

Avalaht>Kohtuasja algatamine>Euroopa justiitsatlas tsiviilasjades>Avalikud dokumendid

Public documents

Hispaania

Article 24(1)(a) - languages accepted by the Member State for the public documents to be presented to its authorities pursuant to point (a) of Article 6(1)

Spanish

Article 24(1)(b) – an indicative list of public documents falling within the scope of this Regulation

Article 2 of the Regulation provides that it applies to the documents listed below, denoted as certified public documents or channels through which to obtain them. (a) Birth: Birth certificate. Standard model. (b) A person being alive: A proof of life and status certificate attests that a person is alive and sets out their marital status. Whether a person is alive and their unmarried, widowed or divorced status are certified by the civil registrar (after the person in question has appeared before them). A person can also attest that they are alive by appearing before a notary, who generally will certify a record of attendance. A person's unmarried, widowed or divorced status is attested by a sworn declaration or solemn confirmation before the civil registrar or by notarial act. These procedures requiring attendance in person may also be carried out before the civil registrar in the place of domicile and, by proxy, before the magistrate in the place of domicile of the person concerned or their representative, as well as before a notary. (c) Death: Extract from the civil status register. Standard model. (d) Name: Extract from the civil status register (birth). (e) Marriage, including capacity to marry and marital status: There is no civil status record; a birth certificate is used. For marriage, an extract from the civil status register. A marriage certificate issued by the civil registrar is also sufficient to prove the marital relationship. Proof of capacity to marry requires the opening of a file, resulting in the certificate of capacity to marry (until 30 June 2020, by the competent civil registrar or, where applicable, the central civil registrar or consulate). Situations with a foreign dimension (foreign spouse or marriage celebrated at a location outside Spain) may be more complex. (f) Divorce, legal separation and marriage annulment: Extract from the civil status register, including marginal notes. (g) Registered partnership, including capacity to enter into a registered partnership and registered partnership status: Certification from the administrative body tasked with registering registered partners or, where appropriate, notarial act. (h) Dissolution of a registered partnership, legal separation or annulment of a registered partnership: Neither legal separation nor dissolution of registered partners are defined in Spanish procedural law. Proof of registration or dissolution of a registered partnership is attested by the certificate of registration of unmarried couples, without harmonisation in Spain, or by a notarial act (Royal Decree-Law 8/2015 of 30 October, recast version of the Social Security Act, Article 221). (i) Parenthood: Extract from the civil status register. (j) Adoption: Extract from the civil status register. (k) Domicile and/or residence: Extract from the municipal register, for domicile; municipal certificate or notarial act, for residence. (l) Nationality: Extract from the civil status register. (m) Absence of a criminal record, provided that public documents concerning this fact are issued for a citizen of the Union by the authorities of that citizen's Member State of nationality: Certificate from the Ministry of Justice. Public documents that citizens of the Union residing in a Member State of which they are not nationals may be required to present when those citizens wish to vote or stand as candidates in elections to the European Parliament or in municipal elections in their Member State of residence, under the conditions set out in Directive 93/109/EC and Council Directive 94/80/EC respectively: extract from the municipal register.

Article 24(1)(c) – the list of public documents to which multilingual standard forms may be attached as a suitable translation aid

List of public documents issued by Spain to which multilingual standard forms may be attached as a suitable translation aid:

(a) extracts from the civil status register regarding:

birth

proof of life

death

marriage

proof of marital status

capacity to marry

(b) criminal record

Article 24(1)(d) – the lists of persons qualified, in accordance with national law, to carry out certified translations, where such lists exist

The Ministry of Foreign Affairs, European Union and Cooperation publishes a list of sworn translators for compulsory use (Sixteenth Additional Provision [Translations and interpretations of an official nature] of Law 2/2014 of 25 March on state action and external service).

<https://www.exteriores.gob.es/es/ServiciosAlCiudadano/Paginas/Traductores-Interpretes-Jurados.aspx>

Article 24(1)(e) – an indicative list of types of authorities empowered by national law to make certified copies

In terms of the authentic transfer of public documents, the **authorities relevant to the application of the Regulation in Spain** are **notaries and civil registrars**, each in **their respective field of competence**.

Certified copies refer to authentic copies of public documents by the authority issuing or authorising them. Generally, copies of notarial acts and authenticated or certified copies of judicial documents are circulated. Where appropriate, with proof of their binding nature. Articles 134, 501, 502 and 504 of Law 1/2000 of 7 January on Civil Procedure.

The administrative documents are sent by way of certification of the decision. Article 52 of Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations.

Article 24(1)(f) – information relating to the means by which certified translations and certified copies can be identified

In some cases there are forms (civil status certificates), but in others there is no standard template. Where no form is available, a certified translation shall be accompanied by a copy or testimony.

Certified translations are regulated by Law No 2/2014 of 25 March on Action and the External Service, Additional Provision 16 (Official State Gazette 74, 26 March 2014).

Notarised copies are issued on notarial paper supplied by the State Mint (*Fábrica Nacional de Moneda – FNMT*), to each individual notary, to which a specific adhesive security stamp issued by the General Council of Notaries (*Consejo General del Notariado*) is applied, in addition to the ink stamp and the notary's mark, signature and initials. The notarial paper has a FNMT hologram.

Article 24(1)(g) – information about the specific features of certified copies

The notarised copies must be readily identifiable as soon as they are issued on the basis of notarial acts with a numbered stamp and must bear the notary's signature. The security stamp is included along with the notary's ink stamp and, where certified copies of originals are involved, bearing the authentication stamp (*sello de legitimaciones*). The notary signs and initials the documents entrusted to them. Regulation (EU) 2016/1191 and, therefore, the information to be certified, apparently relate to judicial and administrative documents in paper form, which are printed in ink using standard models as regards the civil register (with regional variations). However, it is important not to lose sight of the widespread implementation in Spain of e-government procedures, which allow validation of the electronic codes linked to the issuer's electronic signature, and the inclusion of such procedures in European principles of e-government (Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations and Law 42/2015 of 5 October amending Law 1/2000 of 7 January on Civil Procedure).

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