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Judicial auctions

Spain

1. Advertising of the sale of seized assets and valuation

Auctions are advertised through notices published in the '*Administración de Justicia*' (Administration of Justice) section of the **B.O.E.** (*Boletín Oficial del Estado*, Official State Gazette) portal, and on the [auctions portal](#) itself.

Valuations are carried out in legal proceedings established for that purpose (Article 637 of the Law on Civil Procedure — *Ley de Enjuiciamiento Civil*, LEC), through the appointment of experts. Sometimes a valuation is not necessary because the value for auction purposes has already been established, for instance in foreclosures. Nor is valuation required for voluntary auctions where the assets may be put up for sale without a minimum price or without an estimated value, or at the value proposed by the parties.

2. Third parties who may carry out sales operations

Under Spanish law, the sale may also **be carried out by specialist persons or entities**, whether public or private, and, when the judicial authority agrees to this, the sale or auction must comply with the rules of that entity, provided they are not incompatible with the aim of enforcement or protecting the interests of both the enforcing party and the person against whom enforcement is being carried out, under Article 641 LEC.

The first paragraph of the above provision states that the **Associations of Lawyers** (*Colegios de Procuradores*) may take on these functions, and they have set up their own [electronic auctions portal](#) for that purpose.

We can also find cases of direct sales by insolvency proceeding administrators at the liquidation stage of insolvency proceedings.

3. Types of auction to which the rules may not apply in full

Currently, the auctions portal advertises all auctions, both judicial and those managed by notaries, that are held in Spain, but administrative auctions (e.g. Treasury or Social Security) are not included, although there are plans to incorporate them into the portal in the future.

Also not included in the portal are sales already reported by specialised entities, those under insolvency proceedings where the court has approved another form of disposal, and enforcement proceedings in which the parties mutually agree on another form of disposal by signing a sales agreement (Article 640 LEC).

4. Information on national registers of assets

Land and property: The property registers are responsible for providing information on land and property put up for auction, such as on the owner, physical condition of the property, location and rights accruing to or constituting an encumbrance on the land and property, for example, a right of usufruct in relation to land or property.

Movable property: There is also a register of movable property, which includes aircraft, vessels, motor cars and other vehicles with engines, industrial machinery, business premises and capital goods, etc.

Other registers of assets: Information on certain assets is made public in a specific manner owing to their nature, as may be the case with intangible assets at the Spanish Patent and Trademark Office.

5. Information on databases in which creditors may identify the assets or rights of debtors

The property register and the register of movable property serve this purpose, as both provide us with information on the ownership of an asset and on all the asset's creditors.

It is also possible to consult the data in the [Land Registry's website](#). If the land register reference of the asset to be auctioned is published, the auctions portal generates a link which will allow the asset to be displayed via satellite, through platforms such as Google Earth.

6. Information on on-line judicial sales

[Auctions](#) portal

Last update: 17/01/2024

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