Costs

Španjolska

This page provides information about the cost of proceedings in Spain.

Family law – divorce
Family law – custody
Family law – maintenance allowance
Commercial law – contracts
Commercial law – liability

Regulatory framework governing legal professionals' fees

Lawyers

In Spain there is only one category of lawyer (*abogado*) who, after becoming a member of their district bar association (*Colegio de Abogados*), can appear in any type of proceedings and before any type of court.

Lawyers set their fees according to guidelines published by their bar association. These guidelines are based on general criteria for drawing up lawyers' bills, such as the complexity of the case, proportionality, etc., and are followed by all lawyers when issuing their bills.

The guidelines always distinguish between the separate court systems in which litigation takes place.

Fixed costs

Fixed costs in civil proceedings

Fixed costs for litigants in civil proceedings

Article 241(1)(1) of the Code of Civil Procedure (*Ley de Enjuiciamiento Civil*) specifically covers the fees charged by lawyers and legal representatives (*procuradores*) for cases where their assistance is mandatory. These fees are included as an item in calculating costs.

The Code of Civil Procedure provides for lawyers to set their fees subject to the rules governing their profession.

Stage in the civil proceedings where fixed costs must be paid:

Clients are always required to pay fees to their lawyers and pay advances on fees to their legal representatives. Clients have a rough idea of the sum involved from the outset, but the exact amount of the bill has to be established once litigation has ended. Lawyers and legal representatives can claim payment from their clients, including through special procedures such as an advance on fees (*provisión de fondos*, while the proceedings last) or a final statement of accounts (*jura de cuentas*, once proceedings are concluded).

In practice, what usually happens is that clients initially pay an amount in advance and then await a decision on costs. In cases where the other party has to pay the fees, lawyers and legal representatives present their fees to the court, and once the fees are approved they are paid by the opposing party.

Since Law 10/2012 came into force, a court fee must be paid.

What is a court fee?

A court fee is a national tax that must be paid in certain cases, by legal entities, for going to court and making use of the public service of the administration of justice. The Ministry of Finance and Public Administration is legally responsible for managing this tax. The requirement to pay this fee was introduced on 1 April 2003. It is currently governed by Law 10/2012 of 20 November 2012 concerning certain fees in the context of the administration of justice and the National Institute of Toxicology and Forensic Science. Law 10/2012 has been amended twice, first by Royal Decree-Law 3/2013 of 22 February 2013 and later by Royal Decree-Law 1/2015 of 27 February 2015. The main change introduced by the second amendment was the abolition of court fees for private individuals in all jurisdictions and all types of proceedings – private individuals had been required to pay court fees since the entry into force of Law 10/2012.

Cases in which payment of this fee is mandatory (chargeable event)

Under Article 1 of Law 10/2012, the fee for the exercise of judicial power in civil, administrative (*contencioso-administrativo*) and employment cases is a national fee that is uniformly chargeable throughout Spain in the circumstances provided for by that Law, without prejudice to the fees and other taxes charged by the Autonomous Communities in the exercise of their respective financial powers. These may not be levied on the same chargeable event.

Under Article 2, the chargeable event for the fee is the exercise of judicial power generated by the following procedural steps:

bringing of an action in any type of proceedings for a full judgment and proceedings for the enforcement of out-of-court enforceable instruments in civil cases, the filing of a counterclaim and the initial application for the order for payment procedure and the European order for payment procedure;

filing for compulsory insolvency and ancillary claims in bankruptcy proceedings;

lodging of proceedings in administrative court cases;

lodging of an extraordinary appeal for breach of procedure in civil proceedings;

lodging of appeals (*apelación* or *casación*) in civil and administrative court cases;

lodging of appeals (*suplicación* or *casación*) in employment cases;

objection to the enforcement of judicial instruments.

Who is required to pay the court fee?

Article 3 states that anyone who instigates the exercise of judicial power that produces the chargeable event is liable for payment of the fee.

For the purposes of the preceding paragraph, a single chargeable event is deemed to have occurred when the document instituting the procedural step that constitutes the chargeable event covers several main actions that do not originate from the same instrument. In this case, the amount of the fee is calculated by adding together the amounts for each of the joined actions.

The fee can be paid by the legal representative (*procurador*) or lawyer (*abogado*) in the name and on behalf of the taxable person, in particular if the latter is not resident in Spain. A non-resident need not obtain a tax identification number with a view to self-assessment. Neither the legal representative nor the lawyer bears tax liability for this payment.

Exemptions:

Exemptions for categories of action:

bringing of an action and lodging of subsequent appeals involving proceedings specifically set up to protect fundamental rights and public freedoms, and also appeals against the conduct of the election administration;
filing for voluntary insolvency by the debtor;
lodging of the initial application for the order for payment procedure and the request for a full judgment to claim the amount involved where it does not exceed EUR 2 000 – this exemption does not apply when the claim in these procedures is based on a document that takes the form of an out-of-court enforceable instrument pursuant to Article 517 of the Code of Civil Procedure (Law 1/2000 of 7 January 2000);
lodging of administrative court proceedings challenging the administration's failure to respond or lack of action;
bringing of an action for the enforcement of awards decided by the Consumer Arbitration Boards (*Juntas Arbitrales de Consumo*);
actions which, subject to authorisation by a Commercial Court (*Juez de lo Mercantil*), are brought by the insolvency administrators in the interest of the insolvency estate;
proceedings for judicial division of estates, except in cases where an objection is raised or there is dispute over the inclusion or exclusion of assets – the fee is payable for the hearing and for the amount disputed or that arising from a challenge to the distribution of the estate by an opponent; if both parties object, each is charged for their respective amount.
Exemptions for categories of persons:
private individuals;
legal entities who are entitled to legal aid and can demonstrate that they meet the statutory requirements;
the public prosecutor's office (*Ministerio Fiscal*);
the General Administrations of the State and of the Autonomous Communities, the local authorities and all public bodies under their authority;
the Spanish Parliament and the Legislative Assemblies of the Autonomous Communities.

Fixed costs in criminal proceedings

Fixed costs for litigants in criminal proceedings

This is governed by the Code of Civil Procedure.
Any parties who are charged with a punishable offence, have been subject to arrest or any other precautionary measure or are to be brought to trial may exercise the right of defence, acting in the proceedings, whatever they may be, as soon as they are advised of their existence, and accordingly will be informed of this right.
In order to exercise this right, the parties concerned must be represented by a legal representative (*procurador*) and defended by a lawyer (*abogado*), who are appointed by the court where the parties concerned have not appointed any themselves and make a request to that effect, and in any case where the parties have no legal competence to do this.
All those who are party to a case and whose right to legal aid has not been recognised will be required to pay the fees of the legal representatives who represent them, those of the lawyers who defend them, those of the experts who advise at their request and the compensation for witnesses who may appear in court, where experts and witnesses, at the time of testifying, have filed their claim and the court accepts it.
They will not be required to pay the other costs of proceedings, either during the case or after it has finished, unless they are ordered to do so by the court.
Any legal representative appointed by the parties in a case and who agrees to represent them will be required to pay the fees to the lawyers whom the clients have appointed for their defence.
Parties entitled to legal aid may also appoint a lawyer and legal representative of their choice. However, in this case, the parties will be required to pay their fees, as in the case of parties who are not entitled to legal aid, unless the freely appointed legal professionals waive their fees as provided for in Article 27 of the Legal Aid Act (*Ley de Asistencia Jurídica Gratuita*).

Stage of the criminal proceedings where fixed costs must be paid

Clients are always required to pay the bills that are issued once the proceedings have ended. There is no advance payment of money when court-appointed lawyers are used because legal aid is normally processed at the same time.
It should be noted that court-appointed lawyers are very widely used. So, if clients are entitled to legal aid, they do not have to pay the lawyer's fees and the State will pay the bill unless the clients' financial situation improves within a period of three years (usually they do not pay anything).

Prior information to be provided by legal representatives

Rights and obligations of the parties

As the representative of the party, the legal representative (*procurador*) has a duty to inform the client of all the procedural steps.
Both the lawyer and the legal representative have a duty to inform the client as often as the client so requests.

Costs

Where can I find information on costs in Spain?

There is no specific website where information can be found on the cost of legal proceedings in Spain. Nevertheless, there are web pages, such as those of the bar associations, which provide information on the fees of their members.

In which languages can information on costs in Spain be obtained?

The information is usually provided in Spanish. It is also possible to find information in the official languages of the Autonomous Communities.
Some pages also provide certain information in English.

Where can I find information on mediation?

The Register of Mediators and Mediation Institutions (*Registro de Mediadores e Instituciones de Mediación*) is an information database that can be accessed by the general public, free of charge, through the website of the Ministry of Justice. The Register publishes details of professional mediators and mediation institutions to make it easier for members of the public to access this form of dispute resolution.
You can access its search engines via the following links:
https://remediabuscador.mjusticia.gob.es/remediabuscador/RegistroMediador
https://remediabuscador.mjusticia.gob.es/remediabuscador/RegistroInstitucion

Mediation

Whatever name is used to describe it, mediation is a form of dispute resolution where two or more parties voluntarily attempt to reach an agreement themselves, assisted by a mediator.

Mediator

Private individuals can become mediators if they enjoy full exercise of their civil rights, as long as they are not prevented from performing this role by any legislation to which they may be subject in the practice of their profession.
Legal entities providing mediation services – whether they are professional companies or any other kind of legal entity provided for by law – must appoint an individual to act as a mediator; this individual must meet all the criteria laid down by law.

Requirements for becoming a mediator

To practise mediation, mediators must have an official university degree or advanced vocational training, as well as special training acquired by following one or more specific courses taught by appropriately accredited institutions; the training provided by these institutions is valid for the practice of mediation anywhere in the country.
Mediators must also take out insurance or a similar guarantee to cover the civil liability arising from their actions in the disputes that they mediate.

Insolvency mediator

An insolvency mediator (*mediador concursal*) is an individual ho meets both the requirements to be a mediator and the requirements to be an insolvency administrator set down in Article 27(1) of the Insolvency Act (*Ley Concursal*, Law 22/2003 of 9 July 2003). Insolvency mediators may be appointed by notaries or commercial registrars in the out-of-court payment agreements referred to in Title X of the Insolvency Act. Legal entities can also act as insolvency mediators as long as they carry out their insolvency mediation activities through an individual who meets the above criteria.

Mediation institution

Mediation institutions may be Spanish or foreign public or private bodies or public-law organisations whose purposes include the promotion of mediation. These institutions facilitate access to and administration of mediation, which includes appointing mediators; they must ensure transparency when making these appointments. If the purposes of these institutions also include arbitration, they must take measures to keep the two activities separate.
Mediation institutions cannot provide mediation services directly, nor can their involvement in mediation be greater than what the law provides.

Value-added tax

How is this information provided?

The Spanish Tax Agency (*Agencia Tributaria*) provides this information on its web page.

Which rates are applicable?

The Spanish Tax Agency provides this information on its web page.

Legal aid

What is it?

Pursuant to Article 119 of the Spanish Constitution, legal aid is a procedure whereby those who can demonstrate a lack of sufficient financial means are granted a series of benefits mainly consisting of exemption from payment of lawyers' and legal representatives' fees and costs arising from expert testimonies, guarantees, etc.
Broadly speaking, the right to legal aid includes the following benefits:
free advice and guidance prior to the start of proceedings;
access to a lawyer by the person under arrest or the prisoner;
free defence and representation by a lawyer and legal representative during the legal proceedings;
free publication in the course of the proceedings of announcements and edicts that must be published in official gazettes;
exemption from the payment of deposits for the lodging of appeals;
free assistance from experts during proceedings;
free procurement of copies, testimonies, instruments and notarial certificates;
80% reduction in fees for certain notarial actions;
80% reduction in fees for certain actions carried out in relation to the Land and Commercial Registers.
For cross-border disputes only (after the Legal Aid Act was reformed by Law 16/2005 of 18 July 2005, bringing it into line with Directive 2003/8/EC), the following items have been included in the above rights:
interpretation services;
translation of documents;
travel costs where an appearance in person is required;
defence by a lawyer and representation by a legal representative even where unnecessary, if the court requires this in order to guarantee equality of the parties.

Who can request it?

In general, it can be requested by citizens who are involved in or about to initiate any kind of legal proceedings and who lack sufficient financial means to carry out the litigation.
Private individuals are deemed to have insufficient resources when they can provide evidence that all the components of their annual resources and revenue, calculated by family unit, do not exceed twice the Public Index of Income (*Indicador Público de Renta de Efectos Múltiples*, IPREM) applicable at the time of application.
For legal entities to qualify for legal aid, their taxable base for corporate tax must be lower than the equivalent to three times the annual calculation for the IPREM.
In any case, other external signs that demonstrate the actual financial capacity of the applicant will be taken into account.
There are exceptions for private individuals based on disabilities and/or other family circumstances that allow the above income limits to be exceeded.
(Under the terms of the Twenty-Eighth Additional Provision of the General State Budget Act (*Ley de Presupuestos Generales del Estado*) for 2009, the IPREM stood at EUR 7 381.33 per annum in 2009).
Specifically, the following are entitled to legal aid:
Spanish citizens, nationals of other Member States of the European Union and any foreigners resident in Spain, where they can show that they lack sufficient means for litigation;
the Social Security Managing Bodies and Common Services;
the following legal entities, where they can show that they lack sufficient means for litigation:
non-profit organisations;
foundations registered in the corresponding administrative register;
in employment proceedings: all employees and beneficiaries of the social security system;
in criminal proceedings: all citizens, including foreigners, who can show that they lack sufficient means for litigation, even where they do not legally reside in Spain, are entitled to legal aid and defence and representation free of charge;
in administrative court proceedings: all foreign citizens who can show that they lack sufficient means for litigation, even where they do not reside legally in Spain, are entitled to legal aid in all proceedings (including preliminary administrative proceedings) relating to applications for asylum and the Foreign Nationals Act (*Ley de la Extranjería*).

Further information

Requirements for applying for legal aid

Private individuals

All the components of the individual's annual resources and revenue, calculated by family unit, must not exceed twice the IPREM applicable at the time of application.

The Legal Aid Commission (*Comisión de Asistencia Jurídica Gratuita*) may exceptionally decide to grant the right to legal aid where the resources exceed double the IPREM but do not exceed four times the IPREM, taking into account the circumstances of the applicant's family, number of dependent children or family members, state of health, disability, financial obligations, costs arising from the initiation of the proceedings or other circumstances, and in any case where the applicant holds the status of relative in the ascending line of a special-category large family.

The litigant must be defending their own rights and interests.

Legal entities

The legal entity must be a non-profit organisation or foundation registered in the corresponding administrative register.

Its taxable base for corporate tax must be less than the equivalent to three times the annual calculation of the IPREM.

With the entry into force of Organic Law 1/2004 of 28 December 2004 on Comprehensive Protective Measures against Gender-Based Violence (*Ley Orgánica 1/2004 de Medidas de Protección Integral contra la Violencia de Género*), women who are victims of gender-based violence are granted full legal aid immediately, not only in all court proceedings but also in administrative procedures (police inquiries are therefore included) opened on grounds of gender-based violence, until such time as a judgment is delivered, without being required to apply for legal aid beforehand. This means that the issue of legal aid will never hinder the right to defence to effective judicial protection, which will be offered to the victim regardless of whether an application for legal aid has been filed. However, this is on the understanding that such legal aid is given only where the party concerned can demonstrate, subsequently or during the course of the legal proceedings that the circumstances actually exist for entitlement to legal aid, as required by the general rules contained in the Legal Aid Act and accompanying Regulations, amended to this effect by the Sixth Final Provision of Organic Law 1/2004.

When does the losing party have to pay the costs of the proceedings?

Articles 394 to 398 of the Code of Civil Procedure cover the order to pay costs in civil proceedings.

In actions for a full judgment, the costs of first instance are payable by a party whose claims have all been dismissed, unless the case raises serious matters de facto or de jure to be clarified.

If claims are granted or dismissed in part, each party pays its costs and half the joint costs, unless there are grounds for imposing them on one of the parties because of frivolous litigation.

Where the costs are imposed on the losing party, that party will be required to pay, for the part corresponding to lawyers and other legal professionals not subject to rates or scales, only a total amount of no more than one third of the sum at issue for each of the litigants that have secured the decision. For these purposes only, claims on which no value can be put will be valued at EUR 18 000, unless the court determines otherwise because of the complexity of the case.

The provisions in the preceding paragraph do not apply if the court declares that the litigant ordered to pay the costs has acted frivolously.

Where the party ordered to pay the costs is entitled to legal aid, he or she will be required to pay the costs occasioned by the defence of the interests of the opposing party only in cases specifically indicated in the Legal Aid Act.

In no circumstances will costs be imposed on the public prosecutor's office in proceedings to which it is party.

Experts' fees

Experts used in court proceedings are known as *peritos.* A Register of Legal Experts (*Registro de Peritos Judiciales*) can be found at each High Court (*Tribunal Superior de Justicia*).

Article 241(1)(4) of the Code of Civil Procedure covers, as a specific item to be included in calculating costs, the 'fees of experts and other payments which may have to be paid to persons playing a part in the proceedings'. This refers to costs incurred by persons who, although not a party to the proceedings, have certain expenses as a result of attending the proceedings to provide some service.

Article 243 of the Code of Civil Procedure stipulates that in all proceedings and actions, costs are calculated by the clerk of the court that heard the case or appeal. Any fees corresponding to writs and documents relating to proceedings which are unnecessary, superfluous or not authorised by law, or items in lawyers' fees which are not listed in detail or which refer to fees that have not been earned in the litigation are not included in the calculation.

The court clerk will reduce the amount of lawyers' and other legal professionals' fees that are not subject to rates or scales if the fees claimed exceed one third of the sum at issue and the litigant who was ordered to pay the costs was not found to have acted frivolously.

The costs of actions or incidental steps for which the winning party has expressly been ordered to pay by the decision on costs in the main proceedings are not included either.

Translators' and interpreters' fees

There is no official rate applicable to sworn translation and interpretation services. Sworn interpreters are free to set the fees charged for their interpretation services but they are required to inform the language interpretation office and the corresponding Government Sub-Delegation of their rates. This information must be provided in January of each year.

Related links

Spanish National Tax Administration Agency / VAT

Related documents

Spanish report on the Study on the Transparency of Costs PDF (640 Kb) en

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Case study 1 - family law - divorce - Spain

In this case study on family law – divorce, Member States were asked to advise parties filing for divorce on litigation costs in the following situations:

Case A – National situation: a couple gets married. Later they separate and agree to a divorce.

Case B – Transnational situation: two nationals from the same Member State (Member State A) get married. The marriage is celebrated in Member State A. After the wedding, the couple moves to live and work in another Member State (Member State B) where they establish their residence. Soon afterwards the couple separates. The wife returns to Member State A while the husband remains in Member State B. The couple agree to divorce. Upon her return to Member State A, the wife immediately files for a divorce before the courts of Member State B.

Costs in Spain

Costs for court, appeals and alternative dispute resolution

Case study	Court	Appeals	Alternative dispute resolution

	Initial costs	General costs	Other costs	Initial costs	General costs	Other costs	Is this option available for this type of case?	Costs
Case A	Initial costs.- Deposits to lawyer and legal representative, unless the party is entitled to legal aid under Law 1/1996 on legal aid. Divorce by mutual consent is one of the cases exempted from the requirement to pay a court fee. In contested divorce proceedings a fee is payable unless the measures requested only concern minors.	These are the general costs of proceedings. These are payable by the party whose claims have all been dismissed (the principle that the losing party bears the costs), unless the case raises serious matters de facto or de jure to be clarified (Article 394(1) of the Civil Procedure Law). If the request is granted or dismissed in part, each party must pay their own costs and half the joint costs. The principle that the losing party bears the costs (Article 394.2 of the Civil Procedure Law) applies in contested divorce cases.	Experts' fees and expenses incurred in obtaining copies, attestations, notarial instruments and deeds or extracts from public registers.	The same as at first instance.	The same rule applies as at first instance.	The same rule applies as at first instance.	In Spain there is provision for mediation in family law cases, but the Autonomous Communities have jurisdiction in this matter.	In principle, the Autonomous Communities have made provision for mediation free of charge.
Case B	Initial costs.- Deposits to lawyer and legal representative, unless the party is entitled to legal aid under Law 1/1996 on legal aid). Divorce by mutual consent is one of the cases exempted from the requirement to pay a court fee. In contested divorce proceedings a fee is payable unless the measures requested only concern minors.	These are the general costs of proceedings In contested divorce proceedings, these are payable by the party whose claims have all been dismissed (Article 394(1) of the Civil Procedure Law).	Offers of evidence, drafting of the agreement governing the termination of the marriage.	Applicants must make a prior deposit, unless they are entitled to legal aid.	The same rule applies as at first instance.	The same rule applies as at first instance.	In Spain there is provision for mediation in family law cases, but the Autonomous Communities have jurisdiction in this matter.	Those paid to the professionals used in the process [Translator's note: missing text at end]

Costs of lawyers, administrators and experts

Case study	Lawyers		Administrators.			Experts	
	Is representation compulsory?	Costs	Is representation compulsory?	Pre-judgement costs	Post-judgement costs	Is use compulsory?	Costs
	They must be assisted by a lawyer and represented by a legal representative (Article	An advance must be paid on fees for a lawyer and legal representative. In	Does not represent the parties	None	None	Owing to the nature of this procedure, they are not generally used.	None

Case A	750 of the Civil Procedure Law)	contested divorce proceedings post-judgment costs in respect of the losing party.					
Case B	They must be assisted by a lawyer and represented by a legal representative (Article 75 of the Civil Procedure Law)	An advance must be paid on fees for a lawyer and legal representative. In contested divorce proceedings post-judgment costs in respect of the losing party.	Does not represent the parties	None	None	Owing to the nature of this procedure, they are not generally used.	None

Costs of witnesses, deposit or guarantee and other costs.

Case study	Witness compensation		Deposit		Other costs	
	Are witnesses compensated?	Costs	Does this exist? When and how is it used?	Costs	Description	Costs
Case A	Witnesses are entitled to claim for loss or harm incurred in attending hearings from the party that has called them (Article 375(1) of the Civil Procedure Law)	Part of these is included in the costs paid	No prior deposit is required	None	Extracts from civil status records, marriage certificates or certificates proving the existence of children, where relevant for their claim to entitlement (Article 777(2) of the Civil Procedure Law)	As applicable
Case B	Witnesses are entitled to claim compensation from the party that has called them for any losses incurred as a result of attending hearings (Article 375 (1) of the Civil Procedure Law)	Part of these is included in the costs	No prior deposit is required	None	Extracts from civil status records, marriage certificates or certificates proving the existence of children, where relevant for their claim to entitlement (Article 777(2) of the Civil Procedure Law)	As applicable

Costs of legal aid and other reimbursements

Case study	Legal aid			Reimbursements
	When and under what conditions is it applicable?	When is the support total?	Conditions:	Can the winning party obtain reimbursement of litigation costs?
Case A	To those who can provide evidence of insufficient financial resources for litigation (including fees of legal representative)		Parties will be deemed to have insufficient resources when they can provide evidence that all the components of their annual resources and revenue, calculated by family unit, do not exceed twice the Public Income Indicator with Multiple Effects (IPREM) applicable at the time of application.	This depends on the agreement, if any, reached with their lawyer.
Case B	To those who can provide evidence of insufficient financial resources for litigation (including fees of legal representative)		Parties will be deemed to have insufficient resources when they can provide evidence that all the components of their annual resources and revenue, calculated by family unit, do not exceed twice the Public Income Indicator with Multiple Effects (IPREM) applicable at the time of application.	This depends on the agreement, if any, reached with their lawyer.

Costs of interpretation and translation

Case study	Translation		Interpretation	
	When and under what conditions is it applicable?	What are the approximate costs?	When and under what conditions is it necessary?	What are the approximate costs?
Case A				
Case B	All the foreign public or private documents necessary under the legal conditions established	Translators set their own rates.	Interpreters for the proceedings, as necessary.	Interpreters set their own rates.

	(translated by officially recognised sworn translator)			

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Case study 2 - family law - custody of the children - Spain

In this case study on family law — custody of children — Member States were asked to advise the plaintiff on litigation costs in the following situations:
Case A – National situation: Two people have lived together for a number of years without being married. They have a three-year-old child when they separate. A court decision gives custody of the child to the mother and visiting rights to the father. The mother sues to limit the father's visiting rights.
Case B – Transnational case, where you are a lawyer in Member State A: Two people have lived together without being married in a Member State (Member State B) for a number of years. They have a child together, but they separate immediately after the birth of the child. A decision by a court in Member State B gives custody of the child to the mother and visiting rights to the father. The mother and child move to live in another Member State (Member State A), which they are authorised to do by the court decision, and the father remains in Member State B. Some years later, the mother sues in Member State A to modify the father's visiting rights.

Costs in Spain

Costs for court, appeals and alternative dispute resolution

Case study	Court		Appeals	Alternative dispute resolution
	Initial costs	General costs	Initial costs	Is this option open for this type of case?
Case A	Initial costs: Advances paid to the lawyer (*abogado*) and the legal representative (*procurador*), unless the party is entitled to legal aid under Law 1/1996 on legal aid. If the proceeding only concerns guardianship and custody of the minor, no fee is payable (Article 4(1) of Law 10/2012).	These are the general costs of the proceedings, payable by a party which has had all its claims dismissed (Article 394(1) of the Code of Civil Procedure) after assessment of the costs.	The party lodging an appeal must make a prior deposit, unless entitled to legal aid (15th additional provision of the Organic Law on the Judiciary - LOPJ). If the proceeding only concerns guardianship and custody of the minor, no fee is payable (Article 4(1) of Law 10/2012).	The parties may agree on other visiting arrangements. This should be done through an agreement which must be notified by the Public Prosecutor and approved by a judicial authority. The parties may, by mutual agreement, ask for the proceedings to be stayed and avail themselves of mediation in accordance with Law 5/212 of 6 July 2012. Information on the mediation services is available on the justice administration portal. In-court mediation is provided by courts free of charge.
Case B	The same as for the previous case.	Idem	Idem	Idem

Costs of lawyers, bailiffs and experts

Case study	Lawyers		Bailiffs			Experts
	Is representation compulsory?	Costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?
Case A	The parties must be assisted by a lawyer and represented by a legal representative (Article 750 of the Code of Civil Procedure). In cases of mutual agreement, the parties may use a single lawyer and legal representative.	An advance must be paid on fees for a lawyer and legal representative. In contentious proceedings, the losing party may ultimately have to pay the costs.	No representation of the parties.	None	None	The use of certain specialists (psychologists) may be necessary. The party proposing the specialist pays, unless the court's psycho-social experts are used.
Case B	The same as for the previous case.	Idem	Idem	Idem	Idem	Idem

Costs of witness compensation, pledges or security and other relevant fees

Case study	Witness compensation		Pledge or security		Other costs
	Are witnesses compensated?	Costs	Does this exist? When and how is it used?	Costs	Description
Case A	Witnesses are entitled to claim for losses incurred in attending hearings from the party that has called them (Article 375(1) of the Code of Civil Procedure).	Part of the cost is included in the payment of costs.	No prior pledge or security is required.	None	Certificates from civil status records, such as birth of children (currently free of charge) or other documents relevant to their claim to entitlement.

Case B	Idem	Idem	Idem	Idem	Idem

Costs of legal aid and other reimbursements

Case study	Legal aid		Reimbursements	
	When and under what conditions is it applicable?	Conditions:	Can the winning party obtain reimbursement of litigation costs?	Are there occasions when legal aid expenses are reimbursed to the organisation providing the legal aid?
Case A	It applies to persons who can prove that they have insufficient finances to institute legal proceedings (for example for a lawyer and legal representative)	Lack of financial means is said to exist where the individual can demonstrate that his or her resources and income, calculated annually, from all sources and per family unit, do not exceed double the Public Index of Income (IPREM) in effect at the time of the application.	This will depend on the agreement concluded with the lawyer, if any. If no such agreement has been reached, the costs are payable by a party which has had all its claims dismissed (Article 394 (1) of the Code of Civil Procedure), subject to certain exceptions. The reimbursable costs are the lawyer's fees, provided they do not exceed one third of the amount of the claim, the fees of the legal representative, and any other fees, which can be reimbursed after assessment of the costs.	
Case B	The same as for the previous case.	Idem	Idem	Idem

Costs of interpretation and translation

Case study	Translation		Interpretation	
	When and under what conditions is it necessary?	What are the approximate costs?	When and under what conditions is it necessary?	What are the approximate costs?
Case B	All foreign public or private documents that may be required under conditions laid down by law (translation by an officially recognised sworn translator).	Interpreters' fees are variable.	Interpreters for the proceedings where this proves necessary. Interpreters are necessary when a person who does not speak the language has to be questioned, to make a statement or to be notified of a court decision. No fee is payable if the interpreter is requested by the court itself. Any person who speaks the language in question and who has sworn or promised to translate accurately may be appointed as interpreter. In other cases, interpreters' fees are variable.	

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Case study 3 - family law - alimony - Spain

In this case study on family law – maintenance allowances – Member States were asked to advise the plaintiff on the legal costs in the following situations:
Case A – National situation: Two people have lived together unmarried for a number of years. They have a threeyearold child when they separate. A court gives custody of the child to the mother. The only outstanding dispute relates to the amount of the child maintenance owed to the mother by the father for the support and education of the child. The mother sues the father.
Case B – Transnational situation, where you are a lawyer in Member State A: Two people have lived together unmarried in Member State B. They have a three-year-old child. They separate. A court in Member State B gives custody of the child to the mother. With the agreement of the father, the mother and child move to Member State A, where they establish their residence.
A dispute remains outstanding. This relates to the amount of the child maintenance owed to the mother by the father for the support and education of the child. The mother sues the father in Member State A.

Costs in Spain

Costs for court, appeals and alternative dispute resolution

Case study	Court			Appeals			Alternative dispute resolution	
	Initial costs	General costs	Other costs	Initial costs	General costs	Other costs	Is this option open for this type of case?	Costs
	Initial costs: Advances paid to the party's lawyer (*abogado*) and legal representative (*procurador*), unless the party is entitled to legal aid under	These are the general costs of the proceedings. In a contested divorce the general costs are payable by a party which has had all its claims dismissed (Art.	Offers of evidence, drafting of separation settlement. If expert evidence is requested, the expert must be paid. In cases of mutual	The party lodging an appeal must make a prior deposit, unless entitled to legal aid.	The same criterion applies as at first instance.	The same criterion applies as at first instance.	The parties may agree on a separation settlement in which they voluntarily establish the amount of maintenance. The settlement must be notified by the Public Prosecutor and	The costs paid to the professional staff taking part in the negotiating process.

Case A	Law 1/1996 on legal aid.	394(1) of the Code of Civil Procedure). In family law, the usual practice is not to award costs for the proceedings but to split the costs, with each party paying only his or her own costs. However, in some cases a party whose claims have been dismissed may be required to pay the costs. If only some of the claims submitted are successful, each party must pay only his/her own costs. If the case concerns only the payment of maintenance for a child, no costs are charged (Art. 4(1) Law 10/2012).	agreement, payment for the drafting of the settlement is normally included in the total fees paid to the lawyer.				approved by the court.	
Case B	The same as in the previous case	Idem	Idem	Idem	Idem	Idem	Idem	Idem

Costs for lawyers, bailiffs and experts

Case study	Lawyers		Bailiffs			Experts	
	Is representation compulsory?	Costs	Is representation compulsory?	Pre-trial costs	Post-trial costs	Is use compulsory?	Costs
Case A	The parties must be assisted by a lawyer (*abogado*) and represented by a legal representative *(procurador*) (Art. 750 Code of Civil Procedure). In the event of mutual agreement, the parties may make use of the services of a single lawyer and a single representative to submit the agreement between them.	An advance has to be paid on fees for a lawyer and legal representative. In contentious proceedings the losing party may ultimately have to pay the costs.	No representation of the parties. Not applicable in these proceedings.	None	None	Because of the nature of these proceedings there is not usually any role for experts.	None. If an expert opinion is requested, the expert must be paid, unless he/she comes from the psycho-social centre attached to the court.
Case B	The parties must be assisted by a lawyer and represented by a legal representative (Art. 750 Code of Civil Procedure). In the event of mutual agreement, the parties may make use of the services of a single lawyer and a single	An advance has to be paid on fees for a lawyer and legal representative. In contentious proceedings the losing party may ultimately have to pay the costs.	No representation of the parties. Not applicable in these proceedings.	None	None	Because of the nature of these proceedings there is not usually any role for experts.	None. If an expert opinion is requested, the expert must be paid, unless he/she comes from the psycho-social

	representative to submit the agreement between them.						centre attached to the court.

Costs for witness compensation, pledges or security and other relevant fees

Case study	Witness compensation		Pledges or security		Other costs	
	Are witnesses compensated?	Costs	Does this exist and when and how is it used?	Costs	Description	Costs
Case A	Witnesses are entitled to obtain compensation from the party calling them for losses caused by their appearance in court (Art. 375(1) Code of Civil Procedure).	Part of the cost is included in the payment of costs.	No prior pledge or security has to be lodged.	None	Certificates from the Registry of Births, Marriages and Deaths, marriage certificates or birth certificates of children, documents on which they base their entitlement (Art. 777(2) Code of Civil Procedure).	As appropriate
Case B	Witnesses are entitled to obtain compensation from the party calling them for losses caused by their appearance in court (Art. 375(1) Code of Civil Procedure).	Part of the cost is included in the payment of costs.	No prior pledge or security has to be lodged.	None	Certificates from the Registry of Births, Marriages and Deaths, marriage certificates or birth certificates of children, documents on which they base their entitlement (Art. 777(2) Code of Civil Procedure).	As appropriate

Costs for legal aid and other reimbursements

Case study	Legal Aid			Reimbursement
	When and under which conditions does it apply?	When is full aid given?	Conditions?	Can the winning party obtain reimbursement of the litigation costs?
Case A	It applies to persons who can prove that they have insufficient finances to institute legal proceedings (for example for a lawyer and legal representative).		Lack of financial means is said to exist where the individual can demonstrate that his or her resources and income, calculated annually, from all sources and per family unit, do not exceed double the Public Index of Income (*Indicador Público de Renta de Efectos Múltiples* – IPREM) in effect at the time of the application. The **Public Index of Income** (IPREM) is an index used in Spain as a reference for granting allowances, scholarships, grants and the unemployment allowance, among others. It can be calculated here: http://www.iprem.com.es	The winning party can obtain reimbursement of the litigation costs if the other party is ordered to pay costs..
Case B	It applies to persons who can prove that they have insufficient finances to institute legal proceedings (for example for a lawyer and legal representative).		Lack of financial means is said to exist where the individual can demonstrate that his or her resources and income, calculated annually from all sources and per family unit, do not exceed double the Public Index of Income (IPREM) in effect at the time of the application. The **Public Index of Income** (IPREM) is an index used in Spain as a reference for granting allowances, scholarships, grants and the unemployment allowance, among others. It can be calculated here: http://www.iprem.com.es	The winning party can obtain reimbursement of the litigation costs if the other party is ordered to pay costs.

Translation and interpretation costs

Case study	Translation		Interpretation	
	When and under which conditions is it necessary?	Approximate cost	When and under which conditions is it necessary?	Approximate cost
Case A				
Case B	All foreign public or private documents that may be required under conditions laid down by law (translation by an officially recognised sworn translator)	Translators set their own rates.	Interpreters for the proceedings where this proves necessary.	Interpreters set their own rates. If the interpreter is requested by the court itself, no payment is made.

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Case study 4 - commercial law - contract - Spain

In this case study on commercial law – contracts — Member States were asked to advise the seller on litigation costs in the following situations:
Case A – National situation: A company delivers goods worth €20 000. The buyer does not pay the seller because it considers that the goods do not conform to what was agreed.
The seller decides to sue to obtain the full payment of the price.
Case B – Transnational situation: A company whose head office is located in Member State B delivers goods worth €20 000 to a buyer in Member State A. The contract is subject to Member State B's law and written in Member State B's language. The buyer located in Member State A has not paid the seller because it considers that the goods do not conform to what was agreed. The seller decides to sue in Member State A to obtain full payment of the price, as provided under the contract with the buyer.

Costs in Spain

Costs for court, appeals and alternative dispute resolution

Case study	Court			Appeals			Alternative dispute resolution	
	Initial costs	General costs	Other costs	Initial costs	General costs	Other costs	Is this option open for this type of case?	Costs
Case A	In principle, in the order for payment procedure laid down in Articles 812 *et seq.* of the Code of Civil Procedure (LEC) a lawyer would not be needed to file the first statement of claim, whatever the amount of the claim. In proceedings for a full judgment, a lawyer and a legal representative are required for claims exceeding €2 000. If the debtor contests the claim in an order for payment procedure, a lawyer and legal representative are required if the amount of the claim exceeds that laid down in the Code of Civil Procedure (currently €2 000). A fee is also payable which varies according to the type of procedure and the amount of the claim, provided the claim exceeds €2 000, unless the applicant is entitled to legal aid under Law 1 /1996 on legal aid.	These are the general costs of proceedings. They are payable by a party which has had all its claims dismissed (Article 394(1) of the Code of Civil Procedure).	Offers of evidence. Witness compensation. Expert opinions.	If the debtor does not contest the claim, there are practically no costs involved in the proceeding. If the debtor contests the claim the general rules apply, i.e. the party lodging an appeal must pay a fee and make a prior deposit, unless entitled to legal aid.	The same rule applies as at first instance.	The same rule applies as at first instance.	The parties may reach agreement on the amount owed without the intervention of a third party, in which case the agreement must be approved by the court, and they may reach a settlement through mediation services even if the proceeding has begun. Law 5 /2012 of 6 July 2012 on mediation in civil and commercial matters incorporates into Spanish law Directive 2008/52 /EC of the European Parliament and of the Council of 21 May 2008. This Law lays down a minimum framework for mediation without prejudice to the provisions approved by the Autonomous Communities. Under this Law, during the preliminary hearing the parties may be informed of the possibility of using mediation services to try and resolve the dispute.	If an agreement is reached, 60% of the court fee is reimbursed. Mediation provided by the court is usually free of charge. Where mediation is not provided by the court, the parties are free to avail themselves of a mediator and to pay whatever fees are agreed upon. Under Law 5 /2012, whether or not the mediation leads to an agreement, the mediation costs are shared equally between the parties unless otherwise agreed.

							Depending on the nature of the case, the court may ask the parties to try and reach an agreement to end the proceeding. The parties may also ask for the proceeding to be stayed under Article 19(4) so that they can avail themselves of mediation or arbitration.	
Case B	The same as for the previous case	Idem	Idem	Idem	Idem	Idem	Idem	Idem

Costs for lawyers, bailiffs and experts

Case study	**Lawyers**		**Bailiffs**			**Experts**	
	Is representation compulsory?	**Costs**	**Is representation compulsory?**	**Pre-judgment costs**	**Post-judgment costs**	**Is use compulsory?**	**Costs**
Case A	The order for payment procedure is not used unless the debtor contests the claim. For claims exceeding €2 000, representation is compulsory in proceedings for a full judgment, or in the order for payment procedure if the debtor contests the claim. In these cases the parties must be assisted by a lawyer and represented by a legal representative (Article 31 of the Code of Civil Procedure).	They vary according to the amount and procedures involved.	There is no representation.			No, but the use of experts is recommended in certain cases and is paid for by the party requesting it.	They var to the sc subject o opinion t
Case B	The same as for the previous case		Idem			Idem	Idem

Costs for witness compensation, deposit or guarantee and other relevant costs.

Case study	**Witness compensation**		**Pledges or security**	
	Are witnesses compensated?	**Costs**	**Does this exist? When and how is it used?**	**Costs**
Case A	Witnesses are entitled to claim for losses incurred in attending hearings from the party that has called them (Article 375(1) of the Code of Civil Procedure).	Costs are set by the Court Clerk and according to the witness's claim (travel expenses and subsistence, etc.), which must be duly documented.	No prior pledge or security has to be lodged. Security is required only for appeals against certain decisions.	They vary according the decision appeale Maybe between €25 and €50.
Case B	The same as for the previous case		Idem	

Costs for legal aid and other reimbursement

Case study	**Legal aid**			**Reimbursements**			
	When and under what conditions is it applicable?	**When is the support total?**	**Conditions:**	**Can the winning party obtain reimbursement of litigation costs?**	**When and under what conditions is it applicable?**	**When is the support total?**	**Conditions:**
	It applies to persons who can prove that they have	The Legal Aid Commission determines	Lack of financial means is said to exist where	Generally all or most of the lawyer's fees, provided they do not exceed one third of	When there is an order to pay costs to the applicant (Article 394 of the		Order to pay costs to the other party.

Case A	insufficient finances to institute legal proceedings (including fees of lawyer, legal representative and expert).	the services for which legal aid can be granted. Aid may be requested for just one of the services provided for in the Law (e.g. to cover the court fee).	the individual can demonstrate that his or her resources and income, calculated annually, from all sources and per family unit, do not exceed double the Public Index of Income (IPREM) in effect at the time of the application.	the amount of the claim, legal representative's fees and advances on these fees, and experts' fees, as the case may be, can be reimbursed after assessment of the costs.	Code of Civil Procedure), following assessment of the costs by the Court Clerk.		
Case B	The same as for the previous case.	Idem		Idem		Idem	Idem

Costs of interpretation and translation

Case study	Translation		Interpretation	
	When and under what conditions is it necessary?	What are the approximate costs?	When and under what conditions is it necessary?	What are the approximate
Case A	Documents submitted in a language other than Spanish (or, where applicable, the language of the Autonomous Community where the case is being heard) must be accompanied by a translation. The document can be translated privately. If one of the parties challenges that translation on the grounds that it is not accurate, giving reasons for this claim, the Court Clerk will order an official translation to be made of the disputed part of the document at the expense of the party which submitted it. If the official translation is substantially identical to the private translation, the costs must be paid by the party who challenged the translation.	They vary according to the subjectmatter to be translated.	When a person who does not speak Spanish or, as the case may be, the other official language of the Autonomous Community in which the proceeding is held, has to be questioned, to make a statement or to be notified of a court decision, any person who speaks the language in question and who has sworn or promised to translate accurately may be appointed as interpreter.	The costs depend on whe not a professional interpre used.
Case B	Idem	Idem	Idem	Idem

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Case study 5 - commercial law - responsibility - Spain

In this case study on commercial law – liability – Member States were asked to advise the customer on litigation costs in the following situations:
Case A – National situation: A manufacturer of heating equipment delivers a boiler to a plumber. The plumber sells the boiler to a customer and installs it in the customer's house. The house catches fire shortly afterwards. Each one of the parties involved (manufacturer of heating equipment, plumber, final customer) is insured. The origin of the fire is contested. Nobody wants to compensate the customer.
The customer decides to bring proceedings to obtain full compensation from the heating manufacturer, the plumber and the insurance companies.
Case B – Transnational situation: A manufacturer of heating equipment in Member State B delivers a boiler to a plumber in Member State C. The plumber sells the boiler to a customer and installs it in the customer's house in Member State A. The house catches fire shortly afterwards. Each one of the parties involved (manufacturer of heating equipment, plumber, final customer) is insured by an insurance company in that party's own Member State. The origin of the fire is contested. Nobody wants to compensate the customer.
The customer decides to bring proceedings in Member State A to obtain full compensation from the heating manufacturer, the plumber and the insurance company in Member State A.

Costs in Spain

Costs for courts, appeals and alternative dispute resolution

Case study	Court			Appeals			Alternative dispute resolution
	Initial costs	General costs	Other costs	Initial costs	General costs	Other costs	Is this option open for this type of case?
	Initial costs: Advances paid to the party's lawyer (*abogado*) or legal representative (	These are the general costs of the proceedings. They are payable by a party which has had	Offers of evidence: - Compensation for witnesses - Expert opinions	The party lodging an appeal must make a prior deposit, unless	The same rule applies as at first instance.	The same rule applies as at first instance.	The parties may reach agreement on the amount owed without the intervention of a third party, in which case the

Case A	*procurador*), and in general payment of fees depending on the type of proceeding and the amount claimed, provided that it exceeds €2 000, unless the party is entitled to legal aid under Law 1/1996 on legal aid.	all its claims dismissed (Art. 394 (1) of the Code of Civil Procedure).		entitled to legal aid.			agreement must be approved by the court, and they may reach a settlement by means of mediation even if the proceeding has begun.
Case B	The same as for the previous case	Idem	Idem	Idem	Idem	Idem	Idem

Costs for lawyers, bailiffs and experts

Case study	Lawyers		Bailiffs	Experts
	Is representation compulsory?	**Costs**	**Is representation compulsory**?	**Is use compulsory?**
Case A	When the amount claimed exceeds €2 000, the parties must be assisted by a lawyer and represented by a legal representative (Art. 31 of the Code of Civil Procedure).	Vary depending on the amount of the claim and the type of proceedings.	No representation of the parties.	The use of experts is advisable (valuation of loss); an expert opinion is paid for by the party requesting it.
Case B	The same as in the previous case	Idem	Idem	Idem

Costs for witness compensation, pledge or security and other relevant fees

Case study	Compensation for witnesses		Pledge or security	
	Are witnesses compensated?	**Costs**	**Does this exist and when and how is it used**?	
Case A	Witnesses are entitled to obtain compensation from the party calling them for losses caused by their appearance in court (Art. 375(1) Code of Civil Procedure).		No prior pledge or security has to be lodged.	
Case B	The same as in the previous case		Idem	

Costs for legal aid and other reimbursements

Case study	Legal Aid			Reimbursement
	When and under which conditions does it apply?	**When is full aid given?**	**Conditions**	**Can the winning party obtain reimbursement of the litigation costs**?
Case A	It applies to persons who can prove that they have insufficient finances to institute legal proceedings (for example for a lawyer and legal representative).		Lack of financial means is said to exist where the individual can demonstrate that his or her resources and income, calculated annually from all sources and per family unit, do not exceed double the Public Index of Income (IPREM) in effect at the time of the application.	This will depend on the agreement concluded with the lawyer, if any. Generally speaking, a considerable part or indeed all of the lawyer's fee will be refunded, provided that this does not exceed one third of the amount of the claim. Fees and advance payments to the party's legal representative and expert's fees (where applicable) can be reimbursed after assessment of the costs.
Case B	The same as for the previous case		Idem	Idem

Translation and interpretation costs

Case study	Translation		Interpretation	
	When and under which conditions is it necessary?	**Approximate costs?**	**When and under which conditions is it necessary**?	**Approximate costs**
Case A	Documents submitted in a language other than Spanish (or, where applicable, the language of the Autonomous Community where the case is being heard) must be accompanied by a translation. The document can be translated privately; if one of the parties challenges that translation on the grounds that it is not accurate, giving reasons for this claim, the Court Clerk will order an official translation to be made of the disputed part of the document at the	Variable	When a person must take part in proceedings to be questioned, to make a statement or to be notified personally of a decision, and he/she does not know Spanish or, where appropriate, the other official language of the Autonomous Community where the case is being heard, any person who speaks the	

	expense of the party which submitted it. If the official translation is substantially identical to the private translation, the costs must be paid by the party who challenged the translation.		language in question and who has sworn or promised to translate accurately may be appointed as interpreter.	
Case B	Idem		Idem	Difficult to determine in advance.

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