

## HOW TO ENFORCE A JUDGMENT IN SPAIN

### **(A) What is the applicable law?**

- (a) Domestic judgments: Civil Procedure Act 7th January 2000
- (b) Foreign judgments: Regulation (EU) 1215/2012 (Recast Brussels Regulation) and subsidiary, Act 29/2015 30 July on international legal cooperation in civil matters

### **(B) What international conventions and agreements is your jurisdiction a party to?**

- Brussels Jurisdiction Convention 1968
- Lugano Convention (EFTA)
- Other bilateral treaties

### **(C) What types of judgments in commercial matters are enforceable?**

Most of them with the only limiting factors being Spanish public Policy. When rendered in default, mainly depends on the correct service of proceedings.

### **General outlines:**

### **(D) Are the lawyers and procurator needed?**

The applicant must grant a power of attorney in favour of local procurators. The application must be signed by a Spanish lawyer too.

### **(E) Is a security for costs needed?**

No security for costs is needed.

### **(F) Which court is the competent court?**

The court that heard the matter in the first instance.

### **(G) Can the debtor oppose to the enforcement?**

The debtor can oppose the adoption of specific measures laid down in the decision granting enforcement by initiating appeal proceedings within 5 days. Enforcement is not suspended.

### **Measures to secure the effectiveness of enforcement:**

### **(H) Is it possible to obtain an automatic freezing order of bank accounts?**

Yes, since 2011 most of the banks have subscribed a special agreement.

### **(I) How do you secure the effectiveness of an immovable property?**

The court orders a preventive annotation of seizure in the corresponding public register of property. Must be confirmed every 4 years.

**(J) Is there a Bailiff in your jurisdiction?**

No, there is not.

**(K) Is the judgment creditor entitled to interest? If so, on what basis is it calculated?**

Different annual rates apply. Before the judgment, the legal base rate since the claim is filed; after the judgment, the rate is increased by 2 %.

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