

HOW TO FILE A CLAIM OF LIABILITY OF A DIRECTOR IN A LIMITED LIABILITY COMPANY IN SPAIN

(A) What is the applicable law in domestic claims?

Civil Procedure Act 7th January 2000.

(B) What is the applicable law in international claims?

(a) - Regulation (EC) 1393/2007 of 13.11.2007 Member States in civil or commercial matters.

(b) The Hague Convention 15.11.65 (Argentina, US, Switzerland, Turkey...).

(c) Act 29/2015 30.07 (rest of the world).

(d) Bilateral Conventions (Brazil or China).

(C) How can the defendant be summoned?

(a) Personally, by a civil servant or a procurator.

(b) By a letter in the mail.

(D) Regarding individuals

It may be served on any employee, family member older than 14, to the building's concierge...

(E) Regarding a company

It can be done at the address of the sole administrator or at a member of the Board appearing at the Commercial Register.

(F) What happens if the defendant is not found?

The Court clerk will use any suitable means to find them.

(G) Is it possible to notify by edicts?

Yes. The decision of the summons is attached to the bulletin board at the Court Office.

(H) Is it always valid?

The Constitutional Court has established a very precise case law in order to avoid judgments given by default that could be declared invalid due to a fraud.

Practical issues:

(I) Should the claim be translated or not?

Yes.

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