



Spain

enforcement system e-manual





**This publication was funded
by the European Union's
Justice Programme
(2014-2020)**

Disclaimer:

The content of this publication represents the views of the authors, only, and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

WHAT IS ENFORCED



Monetary Claims

01



Non-Monetary Claims

- Handing over movable assets
- Eviction
- Obligations to act, refrain from acting or suffer action
- Reinstatement of employee to work

02

WHO ENFORCES



Judicial Officer

01

- Carrying out most of the enforcement activity, with the exception of powers specifically attributed to the court



Court

02



Notary

03

- Extrajudicial enforcement procedure for mortgaged immovable property

ENFORCEMENT PROCEDURE



Enforceable title



Creditor's enforcement application (proposal)



Court



Decision on proposal



Initiation of enforcement

Judicial officer

- **Adopts measures to investigate and identify debtor's assets:**
immovable property, taxation, social security, bank accounts, etc.
- **orders enforcement measures:**
attachment on assets etc.



Complete satisfaction of creditor



Judicial officer's decree approving closure of procedure

HOW LONG DOES THE PROCESS LAST



Time limitation for commencement of enforcement procedures: 5 years

No time limitation for conclusion of enforcement procedures

Duration of judicial civil enforcement procedures

- 38 months on average,
depending on the enforceable title
- 47,6 months for arbitral awards
- 38,3 months in foreclosure procedures

HOW MUCH DOES THE PROCESS COST



Enforcement costs

Initiation fee

- Fixed amount of **EUR200**
(not always applicable)

Lawyer's fees and solicitor's tariffs

- Lawyer's fees: based on criteria established by bars
- Solicitor's tariffs: regulated

Mandatory announcements/edicts during the proceedings

Remuneration of independent experts

Tariffs paid to registers or notaries

- Regulated

Amount to be enforced in enforcement of monetary claims increased up to 30% (5% in foreclosure procedures of the debtor's habitual residence) to cover also the enforcement costs

