

 EU  
ENFORCEMENT  
ATLAS

# Spain

## Narrative National Report

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## INTRODUCTION

The present report addresses the enforcement system currently in force in Spain.

Judicial officers carry out most of the enforcement activity in Spain in civil and commercial matters, with the exception of those reserved to the judge. Exceptionally, notaries in extrajudicial foreclosure procedures also participate.

The judicial officers in Spain are called “letrados de la administración de justicia” and they are civil servants (State employed). The national organization is called “Ilustre Colegio Nacional de Letrados de la Administración de Justicia”. The relevant information is the following:

Telephone number: (+34) 91 3086709

Webpage: <https://letradosdejusticia.es/>

Email: [cnlaj@letradosdejusticia.es](mailto:cnlaj@letradosdejusticia.es)

The report is organized in four Parts. In order to avoid repetitions, the relevant information is mentioned only once. In other sections only cross-references are included and only insofar as necessary. In Part V, complete references and links to all related legislation and institutions are provided.

## PART I: LEGAL FRAMEWORK

### I.1 Legislation affecting civil enforcement

The legislation that affects civil enforcement in Spain is quite wide. The core is, however, the Spanish Procedural Act (<https://www.boe.es/buscar/pdf/2000/BOE-A-2000-323-consolidado.pdf>). Most of the issues discussed in this report are regulated therein. There are also special rules for certain matters in other acts:

- (i) Foreclosure Procedures (Foreclosure Procedures Act <https://www.boe.es/buscar/pdf/1946/BOE-A-1946-2453-consolidado.pdf> and Regulation <https://www.boe.es/buscar/pdf/1947/BOE-A-1947-3843-consolidado.pdf>)
- (ii) Insolvency Proceedings (Insolvency Act <https://www.boe.es/buscar/pdf/2020/BOE-A-2020-4859-consolidado.pdf>)
- (iii) Labour Procedures (Labour Procedural Act <https://www.boe.es/buscar/pdf/2011/BOE-A-2011-15936-consolidado.pdf>)

Such acts, however, refer back to the Spanish Procedural Act for many matters. In addition, for criminal matters, the Criminal Procedural Act (<https://www.boe.es/buscar/pdf/1882/BOE-A-1882-6036-consolidado.pdf>) refers back to the Spanish Procedural Act for most issues.

Ancillary issues are regulated in other instruments that complement the regulation (e.g. Legal Aid Act <https://www.boe.es/buscar/pdf/1996/BOE-A-1996-750-consolidado.pdf> or the Judicial Fees Act <https://www.boe.es/buscar/pdf/2012/BOE->



[A-2012-14301-consolidado.pdf](#), among others).

Where EU law is not applicable, international procedural law matters are mainly regulated in the International Cooperation Act (<https://www.boe.es/buscar/pdf/2015/BOE-A-2015-8564-consolidado.pdf>), although there are international treaties and statutes for specific areas (e.g. International Adoption Act <https://www.boe.es/buscar/pdf/2007/BOE-A-2007-22438-consolidado.pdf>).

## **I.2 Enforceable titles**

The enforceable titles under the Spanish Procedural Act may be divided in two categories depending on whether a further court resolution is needed or not.

On the one hand, the enforceable titles, in the strict sense, i.e., those that do not need any further court resolution, in civil and commercial matters, including civil claims for damages or restitution, which are based on an act giving rise to criminal proceedings and labour law matters are the following:<sup>1</sup>

- (i) Court decisions which contain an order of payment/to hand over assets/to act or refrain from acting are enforceable if they are final. Certain kind of decisions that are not final may also be subject to provisional enforcement. No further requirements of information are established, beyond the resolution's authorized copy.
- (ii) Arbitration awards. In addition to the arbitral award, it is mandatory to provide: authorized copy of the arbitral award, the arbitral agreement and certification of the parties being served notice of the arbitral award.
- (iii) Mediated settlement agreements reached out of court, if notarized in public deed. A copy of the constitutive sitting minutes and of the closure of procedure minutes are required.
- (iv) Resolutions approving court settlement and other agreements reached in the proceedings, such as the approval of a mediation agreement reached after judicial proceedings commenced or approval of any other settlement allowed during the process. Together with the enforceable title, certification of the proceedings should be provided, where appropriate, but no further documents/information is needed.
- (v) Conciliation minutes in labour law matters. Under Spanish Labour Law, prior to the filing of a court claim, claimants must file a conciliation claim before the competent administrative body of the relevant autonomous region. In case the parties reach an agreement, such conciliation minutes are directly enforceable, in the same terms as a court ruling.
- (vi) Authentic instruments documenting mortgages and certain pledges in special enforcement procedures and also in extrajudicial enforcement.

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<sup>1</sup> See arts. 571.2.1<sup>o</sup> to 3<sup>o</sup> Spanish Procedural Act, arts. 984, 989 and 996 Criminal Procedure Act and art. 68 Labour Procedural Act.

This report focuses only on the enforcement of the above enforceable titles.

On the other hand, the Spanish Procedural Act also refers to other titles, which are not directly enforceable but instead require a court resolution issued after special summary declaratory proceedings called “enforcement trial” (*juicio ejecutivo*).<sup>2</sup> Once such court resolution is obtained, the enforcement procedure is the one discussed in this report. The reason these titles that are not directly enforceable are mentioned is to avoid confusion with enforceable titles in the strict sense discussed above. Note that the list below is not exhaustive as other titles are granted enforceability under different laws other than the Spanish Procedural Act. All the titles below need to refer to claims over 300 euros for a specified net amount that have fallen due and are payable:

- (i) Authentic instruments if they are the first copy or, if they are the second, only if there is an injunction and notice is served to the person suffering prejudice or otherwise with agreement of all parties.
- (ii) Commercial agreements certified by a notary. This includes the agreement and the notary certification which acknowledges the coincidence between the content of the agreement and that of his records.
- (iii) Bearer certificates and registered instruments and the corresponding coupons, if presented together with the corresponding register.
- (iv) Certificates relating to book-entry securities issued by the corresponding registers, together with copy of the public deed or issuance document, as appropriate.
- (v) Resolutions establishing the maximum amount of damages to be paid in criminal proceedings regarding motor vehicle accidents.
- (vi) Other titles, such as guarantees or insurance contracts referring to amounts advanced as payment in housing construction and sale, together with the document certifying that the construction has not started or finished in the agreed dates.

In addition, the Spanish Procedural Act regulates separately certain titles whose access to enforcement is eased. For example, bills of exchange. These titles are eligible for commencing certain special summary declaratory proceedings, the judicial resolution closing which are the enforceable titles for enforcement procedures: (i) bill of exchange, cheque and promissory notes under the Spanish Bill of Exchange and Cheque Act (*juicio cambiario*) and (ii) invoices and other instruments that document debt generally accepted in commerce, among other documents (*procedimiento monitorio*).

Foreign authentic instruments and foreign court settlements are treated as domestic enforceable titles, with the requirements and restrictions established above, as long as they are equivalent to them. Non-EU foreign resolutions and foreign arbitration awards are not directly enforceable but need a declaration in special proceedings

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<sup>2</sup> Arts. 517.2.4<sup>o</sup>-9<sup>o</sup> Spanish Procedural Act.



called *procedimiento de exequátur*.

### I.3 Service of documents to parties and third parties

In Spain, the general rules regarding service of notice of judicial documents in civil and commercial matters are established in the Spanish Procedural Act. Some special rules are established for criminal proceedings in the Criminal Procedural Act. The judicial officer is responsible for the organization of service. The activity in civil and commercial matters is exerted either by: (i) a solicitor, if requested in the application for proceedings; notice to the solicitor is served at the tribunal or at the common reception service organized by the chamber of solicitors (*Colegio de Procuradores*), by electronic means; or (ii) the body of the judicial assistance (*Cuerpo de Auxilio Judicial*), in any other case. In cases of extrajudicial foreclosure procedures, the notary is in charge of serving notice.

The minimum content of the judicial document being served includes:

- (i) The nature of the document as a judicial document.
- (ii) Reference to the tribunal or judicial officer issuing the resolution.
- (iii) Matter.
- (iv) Name and surname of the addressee.
- (v) Solicitor.
- (vi) Reason of the notice.
- (vii) Day of appearance/deadline, if appropriate.
- (viii) Consequences of not doing as requested, if appropriate.

The service of notice is made by delivery via certified post, telegram or similar means which allow for authoritative evidence of the date of the reception and its contents at the addressee's domicile in working days and times, that is, as a general rule, from 8 am to 10 pm, Monday to Friday, except for August and bank holidays.

Where the domicile is not already established on the case file, the plaintiff will provide:

- (i) All personal data of the addressee that she has and may help to locate him, including telephone number, fax or email address, and
- (ii) The party/third party's domicile as set out in the Municipal Register of Inhabitants or in other official documents, i.e., identification document (natural persons), that in publications in professions with compulsory membership (natural persons), the place where such person habitually carries out her work (natural persons), that in official registers, e.g., commercial register, or its director's or other representatives' domicile (legal persons).

In case that the plaintiff is unable to provide a domicile as mentioned above, the judicial officer will make the appropriate findings in this regard, e.g., addressing registers or other institutions. These institutions have a general duty to cooperate under art. 118 of the Spanish Constitution. When the defendant is registered in the



central register for defendants in default (*Registro Central de Demandado en Rebeldía*), there is no obligation to make the findings.

If the findings, when mandatory, are unsuccessful, the judicial officer will directly proceed to serve notice via edicts.

If a domicile is identified, a copy of the resolution is handed to the addressee in that place. If the domicile is located in a constituency (*circunscripción*) other than that of the tribunal, it will request judicial assistance from the relevant court. Upon receipt, the addressee may decide to sign or refuse to do it. If the notice is served at the domicile which appears in the Municipal Register of Inhabitants, in any official register, in a publication of professional chambers or for taxation purposes or at the house/premises rented by the addressee and the addressee is not there at the time of serving notice, any employee, family member, person with whom she lives older than 14 years or the janitor may sign the notice on her behalf. If notice is served at the place where the addressee habitually carries out her work, any person who knows her or the department in charge of reception of documents may sign the notice. In these cases, the acknowledgment of receipt must contain information as to the person receiving the notification and the relationship with the addressee.

In case the addressee is not found, the civil servant or the solicitor will make findings as to whether that is still the addressee's domicile or not. If a new domicile is pointed out, notice will be served there.

If the domicile cannot be identified in the first place, she cannot be found at the identified domicile or if the addressee is in the central register for defendants in default, the judicial officer will order to serve notice via edicts. This subsidiary mechanism consists of the publication of a copy of the resolution on the judicial office board and on the Judicial Edict Board (*Tablón Edictal Judicial Único*). The latter, which is electronically published by the National Agency Official Journal (*Agencia Estatal Boletín Oficial del Estado*), will replace other communications via edict from June 2021. Any other communication means is only carried out if requested *ex parte* and at her expenses.

Alternatively, as a general rule, a person not represented by a solicitor can choose to be served notice by electronic means accepted by the judiciary. It is, however, mandatory for the following persons:

- (i) Legal persons.
- (ii) Unincorporated entities.
- (iii) Professional activity with compulsory membership.
- (iv) Registers and notaries.
- (v) Those representing a person under the obligation to use electronic means.
- (vi) Civil servants in the exercise of their powers.

Serving of notice by electronic means requires electronic signature, recognized





according to the IT in the Administration of Justice Act. Documents must include file number, year and an electronic index to facilitate location and consultation.

Note that for documents initiating proceedings, a paper copy must always be provided in 3 days as well.

If any of the requirements established for serving notice is not met and it affects the rights of defense, it is null and void.

The judicial officer and the civil servants of the body of judicial assistance may be found liable if acting with willful misconduct or negligence in the exercise of their powers, if they have caused any undue delay, both for damages and in accordance with each of the relevant disciplinary regimes. Also, the solicitor may be found liable if she has caused any harm to a third party, when acting in delay, with negligence or willful misconduct.

#### **1.4 Legal remedies, appeal and objection**

The court decides by way of resolution on the enforcement application. The debtor may challenge the court's competence to issue such resolution. The time limit is 5 days.

If the court refuses to open the enforcement procedure, the creditor may appeal the decision. If the court initiates enforcement procedures, the debtor may object to such resolution on both substantive and procedural grounds within 10 days. Neither the objection based on substantive grounds nor the objection based on procedural grounds suspend the enforcement, with the exception of objections based on substantive grounds in foreclosure procedures.

The procedural grounds are established in the Spanish Procedural Act but the list is not considered *numerus clausus*:

- (i) The debtor is not such or there is no proper representation.
- (ii) The applicant lacks capacity or is not properly represented, or this is not properly documented.
- (iii) The resolution is null and void because there is no order to pay/hand over an asset/act/refrain from acting or the enforceable title lacks the legal requirements.
- (iv) The arbitral award is not authentic (where not notarized).

The applicant has 5 have days to submit allegations. The court will then decide. If there is a procedural defect and it may be remedied, the applicant has 10 days for that. The Spanish Procedural Act does not establish a rule on whether the resolution can be appealed, and case law is divided in this regard.

The substantive grounds are the following:

- (i) Payment/fulfillment of the obligation, if documented.
- (ii) Lapse of limitation period (5 years).
- (iii) Agreements and settlements to prevent the enforcement that are

documented in an authentic instrument.

- (iv) Extinction of the security right (mortgage or pledge) or the obligation, in case of special enforcement procedures.
- (v) Error in the amount being claimed, in case of pledged or mortgaged assets.
- (vi) Unfair terms that are the basis of the enforcement or have determined the amount claimed, in enforcement procedures on mortgaged or pledged assets.

The applicant has 5 have days to submit allegations. The court decides on the objection by way of resolution, which also includes a resolution on the enforcement costs (see also Part IV below). The resolution may be appealed but such appeal does not suspend the enforcement (if the court decides against the objection).

Upon the issuance of the resolution opening the enforcement procedure, the judicial officer issues, in turn, a decree establishing enforcement measures, finding measures and the payment order, if appropriate (see further on this in section III.1 below). This decree may be appealed before the same court (*recurso de revisión*) but this entails no suspension of the enforcement.

If the judicial officer has good reasons to think that one of the assets that is going to be attached belongs to a third person, this person is served notice and has 5 days to object to the attachment.

Once the attachment has been approved, a person other than the debtor who claims to possess a right to the object of enforcement that is incompatible with the enforcement may also request the judicial officer to lift the attachment. The same court of the enforcement procedure will decide on the matter (*tercería de dominio*) (see on this section III.2 below). The request has the effects of suspending the enforcement but only with regard to the relevant asset.

### **1.5 Postponement, suspension and termination of enforcement**

In Spain, enforcement is only suspended in the cases established by law or where all the parties so agree. In cases of suspension, the attachments already approved are not lifted and others may still be approved.

Some cases of suspension have already been mentioned above in section I.4. Other cases of suspension include the following:

- (i) The judicial officer must suspend the enforcement of her own motion if the debtor becomes insolvent in the course of the enforcement procedure.
- (ii) If, after the resolution initiating enforcement procedures is issued, the final judgment which is being enforced is challenged (*rescisión y revisión de sentencias firmes*) and the court has admitted such action, the debtor may request the suspension of the enforcement. The court may grant it, after hearing the Public Prosecutor, if the debtor makes a deposit of the relevant amount, including the damages that may be caused by the suspension.
- (iii) As a general rule, filing a criminal action in relation to the enforceable title

or the resolution initiating the enforcement procedure does not suspend the enforcement procedure. If, however, the criminal proceedings may lead to determine that the enforceable title is null and void or the resolution initiating the enforcement procedures is unlawful, the court hears the parties, the Public Prosecutor and suspends the enforcement procedure, unless the applicant deposits an amount sufficient to cover also the damages that may be caused.

If, after the suspension, the enforcement procedure is resumed, the enforcement is only finalized with the complete satisfaction of the applicant. The closure is approved by way of decree by the judicial officer. This decree may be appealed before the court that has been in charge of the enforcement (*recurso directo de revisión*).

Other causes to finalize the enforcement include the objections being upheld (where appropriate) or where the final judgment is successfully challenged and the new judgment resolves differently.

### **I.6 Counter enforcement**

In Spain, the objections discussed above are decided in the enforcement procedure in a procedural issue (*incidente procesal*), and not in separate declaratory proceedings. If the objection is accepted on the above grounds, the attachment is lifted.

If the debtor has any other reason to claim that the enforcement procedure is unlawful, she must bring an action “outside” enforcement procedures, in a declaratory proceeding.

### **I.7 Objects and exemptions on enforcement**

The following objects are exempted from enforcement according to the Spanish Procedural Act:

- (i) Assets declared inalienable.
- (ii) Ancillary rights, not alienable without the principal.
- (iii) Assets with no economic content.
- (iv) Other assets exempted from enforcement by other legal provisions.
- (v) Home furniture, household items and clothing that cannot be considered superfluous, and food and fuel necessary for a decent life, according to the court.
- (vi) Books and instruments necessary for the debtor’s profession, as long as their value is not proportional to the amount being claimed.
- (vii) Sacred goods or devoted to worship of registered religions.
- (viii) Goods and specific amounts declared exempted by international treaties, among which assets of foreign countries and international organizations, but only those that are not connected to “private” activities.
- (ix) The wages, pensions, retribution or equivalent income below the national minimum wage at the time of the seizure.

The attachment of the above goods is null and void.

### **I.8 (Court) penalties and fines**

The Spanish Procedural Act establishes certain obligations not only for the debtor but also for third parties. If they breach such obligations, orders of payment by way of a penalty are issued by the judicial officer or the court, periodically or not, depending on the case. The breach may also entail disobedience to the judiciary in criminal proceedings.

These obligations include:

- (i) The debtor's obligation to provide a complete inventory of her assets.
- (ii) The obligation of financial institutions, natural and legal persons, registers and other entities, including the employer in relation to wages and the debtor's debtors to cooperate (sections III.2, III.6 and III.7) when addressed by the judicial officer in relation to the debtor's assets.
- (iii) The debtor and other third parties' obligation not to hinder the tasks of the receiver, in case of court receiverships whose goal is not to manage the company but instead to directly use the revenues obtained by it to pay the applicant (section III.9).
- (iv) The obligation for action that needs to be performed by a specific person when the debtor does not fulfil the obligation within the deadline (section III.13).
- (v) In the case of enforcement of an obligation to refrain from acting, the obligation to undo the forbidden act (section III.13).

### **I.9 Access to information on the domicile and assets of the debtor**

In Spain, the creditor has the obligation to point out the debtor's assets in the document initiating the enforcement procedure (*demanda ejecutiva*) and, in the frequent cases when she does not have complete information on that, to request the court to adopt measures to identify the debtor's assets (see section III.1 below).

The court decides on the enforcement proposal by way of resolution and, subsequently, the judicial officer issues a decree in which, among other issues, measures to localize other debtor's assets are adopted. The judicial officer will address a communication to all relevant third parties, including the employer and the debtor's debtors, and they all have the obligation to cooperate, with the only limit of fundamental rights protection (see section III.2 below).

The judicial officer will also use electronic means in the investigation, i.e., they use the so-called *punto neutro judicial* (<http://www.poderjudicial.es/cgpi/es/Temas/e-Justicia/Servicios-informaticos/Punto-Neutro-Judicial/>) to obtain certain information, including:

- (i) Information regarding immovable property, through access to the cadastre and registers.

- (ii) Tax information, through access to *Agencia Tributaria* (taxation agency).
- (iii) Identity number, through access to *Policía Nacional* (national police).
- (iv) Social security information, through access to *Seguridad Social*.
- (v) Information on the debtor's bank accounts, through a platform in which most financial entities in Spain participate (see section III.3 below).

Judicial officers have confidentiality obligations in regard to all the information they gather (see Part II below).

In addition, the judicial officer will request of her own motion the debtor to identify her assets, together with any lien. The debtor has an obligation to provide a complete inventory, which must include all the assets the debtor owns, whether in her possession or not (see section III.2 below). As explained in section I.8 above, the breach of the debtor's obligation may lead the judicial officer to issue an order of payment by way of a penalty. Moreover, the breach may also entail disobedience in criminal proceedings.

## PART II: ORGANIZATION OF ENFORCEMENT

### II.1 The status of the judicial officer

In Spain an organization based on a judicial office (*oficina judicial*) directed by a judicial officer, which provides support to the judiciary, is implemented. It is organized with procedural units of direct support and common procedural services.

The former provides direct support to courts in their functions. There is one procedural unit of direct support per court in which a judicial officer carries out her work. However, it might be the case that one judicial officer carries out activity in more than one procedural unit of direct support. The latter provides general procedural support to several courts in a given territory and is directed by a judicial officer.

Judicial officers in Spain are civil servants. There are, however, around 600 deputy judicial officers, that is, non-professionals, who have not obtained a position in competitive public examinations. This amounts to 14% of the total number of judicial officers.<sup>3</sup>

Judicial officers are subject to obligations relating to their activities, regulated in the Law of the Judiciary (*Ley Orgánica del Poder Judicial*) and in the Royal Decree on the Regulation of Judicial Officers (*Reglamento Orgánico del Cuerpo de Secretarios Judiciales*, now called *Letrados de Administración de Justicia*). Among their functions is to grant authenticity to any act, to document them, the bookkeeping and the procedural direction of the judicial office. In particular, judicial officers are in charge of enforcement, including consignations and deposits, with the exception of those functions specifically allocated to the judge.

In carrying out their functions they must:

<sup>3</sup> According to 2019 figures, the last available. See: <https://drive.google.com/file/d/1ApmbidYS1no8y2BjJBG5CbsAf9f7-pu2/view>, pp. 17-39.

- (i) Observe the law.
- (ii) Fulfil their obligations with loyalty and impartially and in accordance with the public interest.
- (iii) Follow instructions, as well as carry out their functions, diligently.
- (iv) Follow working hours and schedule.
- (v) Do not disclose information.
- (vi) Inform of any order that may run contrary to the legal system.
- (vii) Fulfil the regime of incompatibilities and prohibitions.
- (viii) Treat citizens, hierarchical superiors and peers with respect.
- (ix) Disclose their identity and position to any interested party, unless a restriction is justified.
- (x) Keep materials, documents, and others, without using them in their own interest.
- (xi) Cooperate with Regions (*Comunidades Autónomas*), following the instructions received.

The judicial officer's incompatibilities include:

- (i) Any political position.
- (ii) Remunerated jobs, with the exception of academic, research or artistic jobs.
- (iii) Lawyers, solicitors or providing any kind of legal advice (even if not remunerated).
- (iv) Directors or carrying out any kind of commercial activity.

In addition, there are certain prohibitions related to family relationships with the judge of the court she supports or with her dependents. Neither can they participate in any procedure in which parties have family relationships with them.

There is no deontological code specifically applicable to judicial officers. The Spanish General Board for the Judiciary (*Consejo General del Poder Judicial*) approved the Ethical Principles for the Judiciary, which are, however, focused on the judge.<sup>4</sup> Other legal practitioners also have similar rules, for example the Deontological Code for Lawyers.

There is a disciplinary regime for judicial officers established in the Regulation of Judicial Officers. The sanctions it establishes are compatible with criminal liability, where appropriate. Sanctions may be imposed upon infringements that are considered very serious (e.g., unlawful resolutions, unlawful disclosure and use of information, negligent custody of documentation which gives rise to its unlawful

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<sup>4</sup> See <https://www.poderjudicial.es/cgpj/es/Temas/Transparencia/Buen-Gobierno--Codigo-etico-y-Comision-de-Etica-Judicial/Codigo-Etico/>



disclosure, use of her position in her own interest), serious (e.g., carrying out incompatible activities or damage documentation or premises in which she carries out her job) or minor.

The sanctions include:

- (i) Warnings (minor infringements).
- (ii) Fines up to EUR3,000 (serious infringements).
- (iii) Suspension (serious or very serious infringements).
- (iv) Mandatory transfer to a different municipality (forced relocation) (serious or very serious infringements).
- (v) Removal from office (dismissal) (very serious infringements).

These sanctions are imposed by the Government Secretary and Regional Coordinator Secretary (both hierarchical superiors of the judicial officers), for warnings, and the Justice Minister, for forced relocation, suspension and dismissal. The procedure to impose the sanctions cannot exceed 12 months. The resolution imposing them can be appealed.

## II.2 Supervision over enforcement

The Government Secretaries are judicial officers appointed by the Justice Minister. Among other functions, they inspect the services of the judicial officers in their scope of action, direct and organize them, open procedures against judicial officers and impose certain sanctions. In addition, in each province there is one Regional Coordinator Secretary, appointed by the Justice Minister upon proposal by the relevant Government Secretary, who *inter alia* supervises the implementation of the Government Secretary's instructions, opens procedures against judicial officers and impose certain sanctions. They all depend on the General Secretary of the Justice Administration (*Secretario General de la Administración de Justicia*), in the Justice Minister.

The disciplinary sanctions may be appealed in accordance with administrative law rules. In that case, a court will decide.

## II.3 Access to the premises

The judicial officer is in charge of the enforcement with the only exception of those powers allocated to the judge. In the enforcement activity, the judicial officer may enter the premises with the help of the public enforcement authorities, if necessary because e.g., a person is obstructing the enforcement action.

## II.4 Obstructing the judicial officer from carrying out enforcement

See II.3.

## II.5 Time of enforcement

Enforcement may take place from Monday to Friday from 8 to 10 pm, with the exception of December 24 and 31, bank holidays and August, unless the act is urgent in the latter case. The court or the judicial officer may however modify the previous if



there is an urgent reason.

## II.6 Mediation

Judicial officers exert mediation and conciliation activity, notably in the case of labour law matters at a pre-judicial level (see section I.2 above on conciliation minutes).

## PART III: ENFORCEMENT PROCEDURES

### III.1 Initiation and end of the enforcement procedure

The procedure is initiated at the request of the interested party. In the case of non-directly enforceable titles, the creditor must first request the enforceability of such document in a special summary declaratory procedure which has a prevailing enforcement purpose. These proceedings are called *juicio ejecutivo*, *juicio cambiario* and *juicio monitorio*, for each of the corresponding non-directly enforceable titles (see section I.2 above).

The enforcement procedure of directly enforceable titles, which is the focus of this report, commences with a document initiating such procedure (*demanda ejecutiva*) addressed electronically to the court of first instance, which identifies, among other issues:

- (i) The enforceable title.
- (ii) The legal remedy requested, specifying, where appropriate, the amount claimed, as typically it is not coincident with the amount in the enforceable title. This must be a net amount including the principal, interests and enforcement costs, including how they are calculated. In case there are other due dates referring to the same obligation, the applicant may request that those new amounts are added to the same enforcement procedure.
- (iii) Seizable assets known by the creditor and whether the creditor considers them sufficient to pay the debt. The applicant must identify specific assets, since the attachment of undetermined assets is null and void.
- (iv) If the applicant is unable to identify sufficient assets, she must request that the court adopts measures to identify the debtor's assets, referring to financial institutions, natural and legal persons, registers and other entities which might have information in this regard and explaining the reasons why she believes so. The creditor may also request that her solicitor participates in carrying out the findings.
- (v) The person against whom enforcement is sought.

The above requirements are simplified when the enforceable title has been issued by the judicial officer or tribunal that is also competent to open the enforcement procedure, given that the relevant information is already in the case file. In that case,

it suffices with an enforcement application that identifies the enforceable title. However, even not being mandatory, it is in the interest of the applicant to specify the amount to be enforced, for the reasons highlighted above.

In any case, the application must be submitted together with a number of other documents, e.g., documents attesting prices to calculate the cash equivalent of a non-monetary claim when they are not public. In the case of foreclosure procedures, the creditor must include in her application a certification issued by the Property Register confirming the existence of a registered mortgage.

As a general rule, both the creditor and the debtor are represented by a lawyer and a solicitor. Thus, the document initiating proceedings is signed by the lawyer and submitted by the solicitor.

The creditor and the debtor may agree on the order in which the debtor's assets are to be attached. In the absence of such agreement, the judicial officer will attach the debtor's assets taking into account: (i) greater liquidity; and (ii) what is less costly for the debtor. If, under the circumstances of the case, such criteria are difficult to apply, the attachment will take place in the order established by the Spanish Procedural Act.

Foreclosure procedures against the mortgaged asset have some special characteristics in comparison with regular enforcement procedures. The enforceable title is the public deed of mortgage and the application is submitted to the court of first instance of the place where the immovable property is located. In the application, together with the general requirements, some of which have been specified above, there are certain additional documents that must be presented. For example, in case the creditor has unsuccessfully attempted extrajudicial enforcement, the application to the court needs to include the certification by the notary of the payment order addressed to the debtor (*acta notarial de requerimiento de pago*) and the notice served to the mortgagor (not debtor) and other registered parties. Such extrajudicial enforcement by a notary is possible for claims guaranteed with a mortgage, where the parties have expressly so agreed and only in relation to the principal and the interests arising thereof, and provided that the other requirements established by the law are satisfied. The procedure commences with an application addressed to the notary, which must refer to the circumstances that determine the certainty and enforceability of the claim and the exact amount due at the moment of the payment order, together with the registered authentic instrument and the documents to calculate the variable interest rate.

Certain judicial resolutions which are not final are eligible enforceable titles to commence provisional enforcement procedures. For instance, judgments relating to paternity, filiation, or annulment of marriage, among others, are not provisionally enforceable. The application to commence the provisional enforcement procedure is similar to that discussed above for final enforceable titles.

As a general rule, the enforcement is only finalized with the complete satisfaction of the creditor, which will be established by the judicial officer by way of decree. Having said this, the creditor can indeed withdraw the request of enforcement.

### III.2 Enforcement against movable assets to settle pecuniary claims

A relevant number of rules applicable to the attachment of movable assets are also relevant for the attachment of other kinds of assets, covered in the following sections. I provide full explanation of the common rules in this section and highlight the main differences in the subsequent sections.

The enforcement application is filed in the court of first instance that issued the court decision/approved the settlement or in the court of the place where the arbitral award was issued/the mediation agreement was signed. There are exceptions to this general rule for enforcement procedures addressed exclusively to mortgaged or pledged movable assets: (i) the place chosen in the authentic instrument or where it is registered (mortgaged assets); (ii) the place chosen in the authentic instrument or where the asset is located (pledged assets), both covered in the Mortgages of Movable Property and Non-dispossessionary Pledges Act. The territorial competence is controlled by the court *ex officio*, before deciding on the enforcement application but the debtor can also challenge the competence after being served notice.

The court decides on the enforcement proposal by way of resolution (*orden general de ejecución y despacho*). The resolution cannot be issued, however, until 20 days have elapsed from the moment when the judicial resolution was final or the signature of the agreement is notified to the debtor.

Subsequently, without hearing the debtor, the judicial officer in charge of the enforcement will issue a decree which contains: (i) enforcement measures, including the attachment of specific assets (if possible); (ii) measures to be adopted to localize other debtor's assets, if requested; and (iii) a payment order, if appropriate. The attachment of assets is considered perfected in the very moment that the judicial officer issues the decree. Such decree may be appealed (*recurso de revisión*).

Both the court resolution and the judicial officer's decree, together with the document initiating proceedings, are notified simultaneously to the debtor or her solicitor. If the amount of the pecuniary claim in the arbitral award or judicial enforceable title is already certain, there is no need to issue a payment order and measures to localize the debtor's assets are put into place before the debtor is heard. Even if the payment order is mandatory, the applicant may request to directly proceed to adopt measures to localize the debtor's assets and the judicial officer may so agree if she believes that a delay may harm the enforcement. As specified above, the attachment of assets also takes place before the debtor is heard.

As mentioned above (section III.1), the creditor must identify in the document initiating proceedings the debtor's seizable assets known to her, specifying whether she considers them sufficient or not. If the debtor's assets identified by the creditor are insufficient, the judicial officer of her own motion will request the debtor to identify her assets, together with any lien. The judicial officer also warns of the sanctions deriving from the breach of the obligation to provide a complete inventory, which must include all the assets the debtor owns, whether in her possession or not. These sanctions include gross disobedience and orders of payment by way of a penalty.

In addition, as already mentioned, if requested by the creditor in the enforcement application because she is unable to identify sufficient assets, the judicial officer will engage in investigations of other assets of the debtor. The judicial officer will address a communication to the financial institutions, natural and legal persons, registers and other entities that the creditor has listed in the document initiating proceedings (see section I.9 above). These have the obligation to cooperate, with the only limit of fundamental rights protection. If such persons or entities do not cooperate, the court may issue orders of payment by way of a penalty.

Of course, where the creditor's claim is guaranteed with a pledge or mortgage over a movable asset and she decides to exercise the *in rem* action, such action will be specifically directed to such asset(s) only.

The judicial officer is competent to decide on the attachment of assets that are in possession of the debtor, based on the external appearance and without engaging in further investigations. If the judicial officer, however, has indications that a certain asset may belong to a third party, she will order to serve notice to such third party on the prospected attachment, so that the third party can object. The third party has 5 days to object to the prospected attachment. If the asset has already been attached, the third party may also request the judicial officer to lift the attachment, even if it is provisional. The same court of the enforcement procedure will decide on the matter. In any case, the attachment shall be lifted if evidence is provided that a third party is the owner of the asset (certification of the register, in case of certain assets). The judicial officer can also attach debtor's assets that are in possession of a third party, since any of the debtor's assets can be attached, regardless of the location.

The enforcement does not take place *vis-à-vis* the community of property but instead only against one of the spouses. If, in the context of the enforcement procedure, assets belonging to the community of property are attached, notice will be served to the other spouse so that she can object. If the objection is based on the fact that the community of property is not liable, it is the burden of the creditor to prove that such liability exists.

The judicial officer decides on the custody of the inventoried assets. There are a number of rules in this regard, leaving the other scenarios to the discretion of the judicial officer. By way of example, some of the specific rules are the following:

- (i) In case of assets of particular value, custody will be kept in the most appropriate place, which can be the court, a financial institution or with any other appropriate third party.
- (ii) If the assets are in possession of a third party, that third party may be appointed custodian.
- (iii) If the assets are devoted to an economic activity or any difficulty may arise in their transportation or storage, the debtor may be appointed custodian.
- (iv) If the relevant asset is motor vehicle, in enforcement procedures of claims guaranteed with a pledge, the asset will be under the custody of the creditor or a third party appointed by her.

The attachment of assets does not grant the creditor any right in rem. It is rather a *ius persecuendi* and a *ius prioritatis* in relation to credits with the same rank.<sup>5</sup> It does not prevent the debtor from disposing of the assets, although such disposition has no effects vis-à-vis the creditor. The creditor is also protected vis-à-vis third parties, if proper measures have been adopted.

The parties may agree on the value of the movable items. In the absence of such agreement, the valuation is carried out by an expert valuator at market value. This expert is typically selected by the judicial officer, but the parties may also agree on the appointment of the expert valuator. After the valuation of the expert is available, the parties may contest the valuation and provide further evidence (including another expert report). The judicial officer will make the final decision regarding the valuation.

In order to satisfy the creditor's claim, there are several possibilities:

- (i) The judicial officer may hand over the asset to the applicant in a limited number of cases. Namely, when the face value of the asset is coincident with the market value which, in turn, is greater than the claim, or when the claim arises from a sale of goods on instalment credit terms and the applicant requests it.
- (ii) Sale of the assets. This, in turn, may be carried out:
  - a. In the way agreed by the parties and interested third parties, with the approval of the judicial officer. This method has priority over the others.
  - b. Through a specialized person/entity, e.g., auction house or chamber of solicitors, upon request by one party with the agreement of the other, only if the characteristics of the asset make it advisable and with the approval of the judicial officer.
  - c. By way of public auction, which is always electronic (e-auction) at the *Portal de Subastas* (<https://subastas.boe.es/>), convened and directed by the judicial officer.

The public sale is announced in the Official Journal (*Boletín Oficial del Estado*) and also in the Portal of the Administration of Justice (*Portal de la Administración de Justicia*) after the resolution of the judicial officer convening it is final, and it is opened at least 24 hours after the announcement is published.

Any person, including the creditor as long as there are other bidders, can participate, with the exception of the general exclusions established in relation to the capacity in the Spanish Civil Code for any kind of contract. Such exceptions include, among others, the judge, the judicial officer, the lawyer and the solicitor involved in the enforcement. The potential buyers need to deposit electronically a guarantee of 5 per cent of the price of the assets. Only the creditor is exempted from depositing the guarantee.

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<sup>5</sup> Moreno Catena, V., "El embargo de bienes", en Cortés Domínguez, V. y Moreno Catena, V., *Derecho Procesal Civil. Parte Especial*, Tirant Lo Blanch, 2019, p. 242.

The public sale is opened for 20 days, after which the judicial officer receives the information on the bids, and the following scenarios arise:

- (i) If the higher bid is higher than 50 per cent of the valuation of the asset, the judicial officer will approve the sale.
- (ii) If the higher bid is lower than that, the debtor has 10 days to bring an interested third party that offers more than that or at least sufficient to cover the claim.
- (iii) If she does not bring this third party, the creditor may request that the asset is given to him in lieu of payment for 50 per cent of the valuation or for the amount owed to him.
- (iv) If the creditor makes no such request, the judicial officer will approve the sale to the higher bidder offering at least 30 per cent of the valuation or, if lower, an amount that covers the claim, interests and fees.
- (v) If the bid does not comply with the above, the judicial officer will hear all interested parties and make a decision in light of all circumstances of the case, including the economic situation of the debtor and her conduct.
- (vi) If the judicial officer decides not to approve the sale, the creditor may request that the asset is given to him in lieu of payment for 30 per cent of the valuation or for the amount owed to him.
- (vii) If in 20 days the creditor has made no such request, the judicial officer will lift the attachment, if requested by the debtor.

Where the sale is approved by the judicial officer, the buyer must consign the payment (minus the part already deposited) in a specific bank account called *Cuenta de Consignaciones y Depósitos* in 10 days. The judicial officer will issue a decree and the asset will be handed over to the buyer. If the bidder does not consign on time, she will lose the amount deposited. The other deposits will be returned to the bidders, unless they have agreed not to withdraw the deposit, for cases in which the higher bidder does not make full payment, so that the sale may be approved in their favour. In that last case, if none of the bidders eventually consign the price and if the deposits do not cover the claim, interests and fees, the judicial officer calls a new public sale.

The applicant will be paid with the proceeds of the sale. If the amount does not cover the full claim of the applicant, the order to be followed in order to pay is the following: (i) remunerative interest; (ii) principal; (iii) default interests and (iv) costs of the enforcement procedure.

However, a creditor with a higher rank may bring a claim in court providing evidence in this regard (*tercería de mejor derecho*). The court will decide issuing a judgment which establishes the order of priority. If a creditor other than the applicant has priority, she will not receive any amount until the applicant receives three fifths of the costs of the enforcement procedure.

### III.3 Attachment on the bank account of the debtor





In the context of localization of assets, the judicial officer addresses different entities that have been pointed out by the applicant in the document initiating proceedings, and these financial institutions have the general obligation to cooperate (see sections I.8, III.1 and III.2 above). In addition, the debtor has the obligation to provide an inventory of her assets, in the circumstances and with the requirements already discussed (see above III.2).

Having said this, in the case of bank accounts, there is an electronic system which facilitates attachment and retention. Most financial institutions in Spain have entered into an agreement to participate in this system for automatic electronic attachment of bank accounts in euros or any foreign currency run by the judiciary through the so-called *punto neutro judicial* (<http://www.poderjudicial.es/cgpi/es/Temas/e-Justicia/Servicios-informaticos/Punto-Neutro-Judicial/>) (see also section I.9 above). The judicial officer enters the information in the system, which deploys an algorithm to distribute the relevant amount pro rata among all the financial institutions participating in the platform. The retention order is carried out accordingly, together with the order to transfer the amount to the bank account *Cuenta de Depósitos y Consignaciones* of the court immediately. The same is applicable for foreign currency, once it is converted.

Where there is more than one account holder, only the corresponding part of the debtor can be attached. It is presumed that the debtor owns 50 per cent of the bank account balance, but the other account holder can present evidence to the contrary so that the attachment is (partially or completely) lifted.

In relation to the bank account(s) where the debtor is habitually paid her wage and other income, there is a limitation to the attachment based on the limitations established by the law and discussed below (see section III.6). It is presumed that the amount received the month of the attachment or, on a subsidiary basis, the previous month, is wage or other income. In practice, the court may not know in what bank account the debtor receives the wage or other income and therefore the attachment and retention will be carried out, and the debtor may subsequently need to submit an application to lift or reduce the attachment. The judicial officer will decide by decree.

If the balance is insufficient to cover the amount owed, the judicial officer will issue a retention order, according to which any future payment received by the debtor, e.g., wages or deferred due dates, in any bank account will be retained and transferred in due course, in accordance with the above rules. The retention order is addressed to the entity that pays the amount and the one that receives it. The judicial officer may even decide that the debtor go into a receivership, e.g., if the addressees are failing to apply the retention order.

#### **III.4 Enforcement against savings deposits and current accounts**

The rules in section III.3 above apply to any kind of account, including current accounts and saving deposits, as long as they are immediately available. If they are not because of deferred maturities, for example, the judicial officer may adopt other measures, including a receivership, to make sure that payments are made, as also explained above.





It is relevant to know that, in the absence of an agreement between the parties, the judicial officer attaches the debtor's assets taking into account: (i) greater liquidity; and (ii) what is less costly for the debtor. That means that bank accounts that are immediately available are attached first. The same derives from the priority rules established by the Spanish Procedural Act that apply if, under the circumstances of the case, such criteria are difficult to apply.

### III.5 Enforcement on immovable property

The general rules on the competence of the court discussed above for the attachment of movable property (section III.2) also apply in relation to immovable property. In addition, there is a special jurisdiction ground for cases of enforcement procedures addressed exclusively to a mortgaged immovable property (foreclosure procedures): the courts of first instance of the place where the immovable property is located are competent. Note that, in this latter case, it is also possible to agree, under certain circumstances, on extrajudicial sale before the notary of the place where the immovable property is located.

In Spain, as a general rule, it is mandatory to register immovable property in the cadastre (<http://www.catastro.minhap.gob.es>). Rights in rem over immovable property are registered in the Property Register. This second registration is not, however, mandatory.

In the enforcement proposal, the creditor must identify the debtor's assets and may provide evidence in this regard. If the identified assets are insufficient, the debtor must make an inventory of her assets, including information as to the rights and liens over the real estate and possession of the immovable property. The judicial officer will then decide on the attachment, based on the evidence provided and the external appearance regarding the debtor's rights over the assets. If the debtor's right of ownership is not registered in the Property Register and in the absence of any other evidence, the judicial officer would not attach the immovable property, unless further findings have been requested by the creditor in her application (same rules as above apply, sections III.1 and 2). There is no special legal regime for enforcement on unregistered property, although there are few references in the general regime.

In all kinds of enforcement procedures on immovable property, the judicial officer will request electronically from the Property Register a certification which includes the following information:

- (i) Ownership and other rights in rem; in particular, the mortgage, in foreclosure procedures.
- (ii) Any other right, encumbrance or lien over the asset, or statement that there are none.

Upon the issuance of the certification, the Register will include a note of enforcement in relation to that immovable property in the Property Register (*anotación preventiva*) but the attachment is effective from the moment that it is approved by the judicial officer. The note provides a preference over credits against the same debtor arising afterwards. A creditor can attach immovable property which is already attached in a

prior enforcement procedure. Such creditor would only get paid with the proceeds of the immovable property's sale after the first creditor has been entirely paid.

Given that the debtor must prepare an inventory of her assets, she can point out assets other than immovable property which cover the debt, if that is possible. The judicial officer attaches then the debtor's seizable assets (see section III.2 above) taking into account: (i) greater liquidity; and (ii) what is less costly for the debtor. That means that immovable property is one of the assets to be attached last. The same derives from the priority rules established by the Spanish Procedural Act that apply if, under the circumstances of the case, the above criteria are difficult to apply: immovable assets are only attached if it is insufficient with the attachment of: (i) cash/bank account; (ii) rights immediately or in short term available or securities admitted to trading on a regulated market; (iii) jewelry and pieces of art; (iv) cash income (other than wages, pensions and other professional income); (v) interests, fruits or other similar revenues and (vi) movable assets, livestock and securities not admitted to trading on a regulated market. In addition, unless it is necessary, assets whose value exceeds the debt will not be attached, which may well be the case of immovable property.

The applicant may request that the administration or interim possession of the immovable property is granted to her. The creditor will then receive the income and fruits to cover the expenses and, after being covered, to pay her own credit.

The sale of immovable property (also in foreclosure procedures) can take place through:

- (i) Direct sale, if agreed by the parties and any interested third party (upon the initiative of the applicant, the debtor or an interested third party).
- (ii) Specialized entity, e.g., real estate agent.
- (iii) E-auction in which the sale is exercised by the judicial officer or, in case of extrajudicial foreclosure procedures, by a notary.

The rules on valuation of immovable property are similar to those discussed above (see section III.2), with the particularity that charges, encumbrances and liens are deducted from the value. In this respect, a certification from the Property Register will be issued. The applicant may also request the judicial officer to address prior secured creditors or having a prior attachment on that immovable property so that they provide information of the exact outstanding amount of their credit and other details. If the value of those charges, encumbrances or liens is higher than that of the immovable property, the attachment is lifted. In case of foreclosure procedures, the valuation established in the public deed will be used as the reference in the public sale. Therefore, there is no need for the intervention of the independent expert.

The sale of the immovable property, through a specialized entity or not, needs the approval of the judicial officer, who will make sure that the buyer is aware of any prior existing right, encumbrance or lien over the asset. Such sales also require conformity, under certain circumstances, of any person with rights over the asset that were registered after the rights of the creditor being enforced.

In case of public sale, the debtor must submit before announcing it the documents certifying her ownership over the immovable property or, if she does not submit it, a certification from the Property Register must be obtained. In addition, notice is served to (i) any person with rights, charges or liens registered in the Property Register; and (ii) tenants/other persons in possession of the immovable property, where such information is available. The latter have 10 days after being served notice to submit the documents certifying their rights over the immovable property. The applicant may request the court to decide before the e-auction is convened on whether they have indeed a right to remain in the immovable property.

The public sale is announced as explained above (section III.2). The information regarding the immovable property (both that in the Property Register and in the cadastre), on rights, charges, encumbrances and liens, as well as that of the tenant and other persons in possession of the immovable property is incorporated to the announcement. Bidders need to accept the situation of the immovable property in order to participate, including the fact that the buyer will be surrogated in relation to such rights, charges, encumbrances and liens.

The potential buyers need to deposit electronically a guarantee of 5 per cent of the price of the assets. Where the public sale is held by the notary in an extrajudicial foreclosure procedure, the amount established is 30 per cent.

Once the public sale is opened, any interested person (not necessarily a bidder) may request the court an inspection of the immovable property. If the person in possession of the immovable property (either the debtor or a tenant/other person acting at the request of the debtor) agrees on the inspection and actively cooperates, the debtor may request a reduction of the debt up to 2 per cent of the final price of the sale.

The public sale is opened for 20 days, after which the judicial officer receives the information on the bids, and the following scenarios arise:

- (i) If the higher bid is higher than 70 per cent of the valuation of the asset, the judicial officer will approve the sale.
- (ii) If the higher bid is lower than that, the debtor has 10 days to bring an interested third party that offers more than that or at least sufficient to cover the claim.
- (iii) If she does not bring this third party, the creditor may request that the asset is given to him in lieu of payment.
- (iv) If the creditor makes no such request, the judicial officer will approve the sale to the higher bidder offering at least 50 per cent of the valuation or, if lower, an amount that covers the claim, interests and costs.
- (v) If the bid does not comply with the above, the judicial officer will hear all interested parties and make a decision in light of all circumstances of the case, including the economic situation of the debtor and her conduct.
- (vi) If the judicial officer decides not to approve the sale, the creditor may request that the asset is given to him in lieu of payment for 50 per cent of

the valuation or for the amount owed to him, if it is not the debtor's habitual residence. If it is the debtor's habitual residence, the asset is given to him in lieu of payment for 70 per cent of the valuation or, if the amount owed to him is lower, for 60 per cent.

- (vii) If in 20 days the creditor has made no such request, the judicial officer will lift the attachment, if requested by the debtor.

Where the sale is approved by the judicial officer, the buyer must consign the payment (minus the part already deposited) in the specific bank account called *Cuenta de Consignaciones y Depósitos* in 40 days. In the extrajudicial foreclosure procedure, payment must be consigned in 8 days. The judicial officer will certify the sale for the registration of the buyer's rights in the Property Register. In the extrajudicial sale, the public deed granted by the notary will be sufficient for the registration.

Once the immovable property is sold, in case that the debtor does not voluntarily leave the premises see below section III.12 on eviction.

The applicant will be paid with the proceeds of the sale, unless another creditor has a higher rank and provides evidence to the court in this regard (see above section III.2). In foreclosure procedures, the applicant is immediately paid to the extent guaranteed by the mortgage. Any excess after paying the applicant will be kept by the court to pay any other creditor whose rights were registered in the Property Register after that of the applicant.

The order of priority for creditors over immovable property is:

- (i) Tax claims (latter annuality).
- (ii) Insurance claims over the insured property for the last two years.
- (iii) Registered mortgage claims.
- (iv) Claims subject to a notice in the Property Register (*anotación preventiva*) like attachments, in relation to that asset and it only works for those whose notice is registered afterwards.

Certain mortgage loans (*refaccionarios*) which are not registered.

### **III.6 Enforcement against wages and other permanent pecuniary income**

As explained in section III.2, when addressed by the judicial officer, all natural and legal persons, registers and other entities must cooperate, with the only limit of fundamental rights protection. If such persons or entities do not cooperate, the court may issue orders of payment by way of a penalty. This includes the employer in relation to wages, who may also be held liable for the damages caused.

There is also an obligation to inform the judicial officer every three months of the amounts received and subject to retention.

The wages, pensions, retribution or equivalent income below the national minimum wage at the time of the seizure cannot be sequestered. If, after a foreclosure procedure, an enforcement procedure is opened against the same debtor because the

amount obtained from the immovable property was insufficient, the amount that cannot be sequestrated is increased in 50 per cent, and an additional 30 per cent per family member living with the debtor without regular income over the national minimum wage.

Wages, pensions, retributions or equivalent income higher than the national minimum wage can be sequestrated in accordance with the following scale:

- (i) Amount equivalent to the double of the national minimum wage at the time of the seizure, 30 per cent.
- (ii) Amount equivalent to three times the national minimum wage at the time of the seizure, 50 per cent.
- (iii) Amount equivalent to four times the national minimum wage at the time of the seizure, 60 per cent.
- (iv) Amount equivalent to five times the national minimum wage at the time of the seizure, 75 per cent.
- (v) Amount higher than the above, 90 per cent.

The above amounts are calculated taking into account all wages, pensions, retributions and equivalent incomes that a person receives. If there is a community of property, of both spouses.

The judicial officer may reduce the amounts between 10 and 15 per cent taking into account the family burdens.

The above amounts do not apply when the enforcement procedure relates to maintenance obligations. In that case, the court will establish the amount that can be sequestrated.

### **III.7 Attachment under the debtor's debtor**

The creditor has the obligation to point out the debtor's assets in the enforcement proposal and, if they are insufficient, to request from the judicial officer certain findings in this regard (section III.2). Such obligation includes the debtor's claims. All persons, registers and other entities have the obligation to cooperate, including the debtor's debtors. If they do not cooperate, the court may issue orders of payment by way of a penalty. Finally, as discussed above, the debtor must include a complete inventory of her assets, which also includes her claims.

The attachment of such claims can be approved, provided that they are properly identified, as the attachment of undetermined assets is null and void. The debtor's claims that have not been exercised may also be included, since the applicant has a right of action by way of surrogation, if the other assets are insufficient to cover her claim (*acción subrogatoria*).

The judicial officer may approve a retention order in relation to the claims and notice is served to the debtor's debtors. They are requested not to pay the debtor and to consign, periodically if appropriate, the amounts owed in the *Cuenta de Depósitos y Consignaciones*.

Where claims refer to interests, fruits or other similar revenues, the retention order will be sent to the payor or the person receiving it in the *Cuenta de Depósitos y Consignaciones* or, depending on their nature, an order will be issued to keep them and make them available to the court. The judicial officer may approve a judicial administration if the order of retention is not being complied with.

If there is a pledge over the claim, the rules for pledges already discussed apply (section III.2).

### III.8 Enforcement against shares

The general rules on competence and enforcement proposal discussed in section III.1 apply in relation to enforcement against financial instruments.

Once the attachment of the debtor's securities is approved, the judicial officer may first serve notice ordering the deposit of the securities. If they are registered in physical certificates, most likely the depository will be the entity which is already keeping the certificates, although the judicial officer may also decide to deposit them in another public or private establishment which is considered the most adequate.

If the securities are registered in book-entry form, it is not possible to deposit the securities, but the judicial officer will contact the entity in charge of the register so that it includes a note of enforcement in the corresponding records.

The judicial officer will also serve notice of the retention order to:

- (i) The person in charge to make periodical payments or a payment on a particular date.
- (ii) The issuer, in case the securities may be redeemed at the investor's will.
- (iii) The regulatory bodies of the secondary markets, if the securities are admitted to trading on an official secondary market, which, in turn will notify Iberclear, the Spanish central securities depository in charge to clear and settle transactions.
- (iv) The company/partnership's directors, in case of shares of partnerships and corporations other than public limited companies.

The retention order will specify that, at maturity or at the reception of the notification if there is no maturity, the established amount or the financial instrument itself, together with any interest and dividend accrued, will be retained.

Upon reception, the company/partnership's directors mentioned in number (iv) above, must inform of any restriction in the shares' transferability established in the articles of association or otherwise.

The rules on asset valuation discussed above in section III.2 do not apply to all financial instruments. Financial instruments admitted to trading on an official secondary market will be sold in that market, in accordance with its rules, at the market price. For that purpose, the judicial officer contacts the regulatory body of the market so that it takes the measures to sell the financial instruments.

In the case of non-listed shares, there are no specific rules in the Spanish Procedural Act regarding valuation. The sale of non-listed shares is carried out in accordance with



the provisions in the articles of association or in other legal provisions, and account should be specifically taken of preemption rights. In the absence of any such rule, the sale takes place through a notary. The general rules discussed in section III.2 apply to the sale of non-listed financial instruments other than shares.

### III.9 Other attachment procedures

There are certain special rules for the attachment of different kinds of assets, for example because of their value (e.g., jewelry) or because they are in the hands of a third party. The general rules already discussed remain, however, applicable with only limited deviations.

It is, nevertheless, worth mentioning in this section the specific case of the attachment against a going concern. This may be approved by the judicial officer where, under the circumstances of the case, it is better than attaching each of the elements separately. The same rules apply when shares that comprise the majority of the share capital of a corporation are attached.

The judicial officer that approves this kind of attachment may decide that the company goes into a court receivership to guarantee the management during the enforcement procedure. In that case, she will serve notice to all directors and shareholders whose shares have been attached, in order to reach an agreement as to the conditions of the receivership and, particularly, the appointment of the receiver. If no such agreement is reached, the judicial officer will decide. The receiver appointment is registered, where appropriate, in the Commercial Register and in the Property Register, if there is immovable property involved. In addition, a controller will be appointed, who will be chosen by the owners of the enterprise attached. If shares are being attached, there will be one controller for the majority shareholder(s) and one for the minority shareholder(s) (where appropriate).

The receiver is under the obligation to manage the company and report back. The interested parties and controllers may appeal and the judicial officer will decide.

Another alternative to the above receivership is a different kind of receivership whose goal is not to manage the company but instead to directly use the revenues obtained by it to pay the applicant. This measure is adopted only upon request by the applicant. The applicable rules are different. For instance, the receiver may be the applicant and, if it is a third party, the applicant has to pay her a retribution. Of course, the applicant must report back to the judicial officer. She will hear the debtor and decide on the report. The applicant may request to the judicial officer, in case she has not got entirely paid through the receivership, that different enforcement mechanisms are put in place in relation to the individual elements of the company.

### III.10 Handing over movable assets

Enforcement can also relate to the obligation:

- (i) To hand over
  - a. a movable asset (specific/undetermined) or
  - b. an immovable asset.



- (ii) To act/refrain from acting in a certain way.

The enforceable title in this kind of obligations is always a judicial or arbitral title. The court decision opening the enforcement procedure will include a deadline for the debtor to fulfil her obligation, together with a reference to the sanctions associated to her breach. The judicial officer will, at the request of the applicant, approve an attachment for the amount corresponding to the future potential damages instead of performance and the costs of the procedure. The attachment is, however, lifted if bail is given by the debtor. All these modalities are covered in this and subsequent sections (III.12-14).

If the debtor does not fulfil the obligation to hand over a specific movable asset, e.g., piece of art, within the deadline, it will be the judicial officer to deliver the movable asset to the applicant. For that purpose, the court may order to enter into private establishments, with the help of the public enforcement authorities.

If the place where the movable asset is located is unknown, the debtor or third parties, as appropriate, are questioned. They are under the obligation provide that information to the court. Otherwise, they commit the crime of disobedience.

If the specific movable asset is not, in the end, found, the court, upon the applicant's request, replaces the obligation to hand over the asset with a monetary equivalent. The same rule applies if the movable asset is in the hands of a third party and it is no longer claimable.

If the debtor does not fulfil the obligation to hand over an undetermined movable asset, i.e., those that are fungible and can be replaced for the equivalent of the same type and quality (e.g., wheat), within the deadline, the creditor may request the judicial officer:

- (i) the handover of the assets, at the expense of the debtor, or
- (ii) to be granted the power to purchase the assets herself, at the expense of the debtor.

The creditor may also claim that the delay in the handing over of the assets no longer satisfies her legitimate interest. In that case, the court decides on the monetary equivalent, together with the damages.

### **III.11 Enforcement in reinstatement of employee to work**

Under the Labour Procedural Act, an employee may be reinstated to work (i) if the dismissal is declared unfair and the employer chooses to reinstate the employee instead of paying the statutory severance payment for unfair dismissal, (ii) if the dismissal is declared unfair, and the employee chooses to be reinstated instead of receiving the unfair dismissal severance payment, provided the employee is an employee representative, or (iii) if the dismissal is declared null.

If the employee is entitled to be reinstated due to the choice of the employer, provided that the employee enforces the reinstatement, the court may (i) terminate the employment relationship as of the date of the issuance of such decision, which would entitle the employee to receive the statutory severance payment for unfair

dismissal (i.e., 33 days' salary per year of service, up to 24 months' salary) and the salaries accrued between the dismissal and the date in which the court ruling was delivered to the employer, (ii) impose the employer the payment of an additional severance payment to the employee equivalent to 15 days' salary per year of service, up to 12 months' salary, and (iii) impose the employer the payment of the salary accrued between the date in which the court ruling was delivered to the employer and the date of issuance of this enforcement decision.

On the contrary, if the employee is entitled to be reinstated to work because of (i) being an employee representative or (ii) the nullity of the dismissal, the court may issue an order of reinstatement to the employer. Furthermore, the court will order the following measures:

- (i) The employee will continue receiving her salary.
- (ii) The employee will continue being registered with the Social Security for all purposes.
- (iii) In case of employee representatives, they will continue acting as such in the company.

However, provided that the employer evidences that the reinstatement is not possible due to the closure of the business or any other legal or *de facto* circumstances, the court may (i) terminate the employment relationship as of the date of the issuance of such decision, which would entitle the employee to receive the statutory severance payment for unfair dismissal (i.e., 33 days' salary per year of service, up to 24 months' salary) and the salaries accrued between the dismissal and the date in which the court ruling was delivered to the employer, (ii) impose the employer the payment of an additional severance payment to the employee equivalent to 15 days' salary per year of service, up to 12 months' salary, and (iii) impose the employer the payment of the salary accrued between the date in which the court ruling was delivered to the employer and the date of issuance of this enforcement decision.

In case the dismissal is declared null due to mobbing, sexual harassment or gender violence within the work center, the victim may request the termination of the employment relationship with the consequences described in the previous paragraph.

The employee may request the enforcement of her reinstatement before the court who gave the court decision in first instance.

The employer must communicate to the employee the date when she will be reinstated within 10 days from the date in which the employer received the court ruling. The reinstatement must be carried out in a minimum term of three days after the receipt of the notification by the employee.

If the employer does not voluntarily reinstate the employee to work, the employee may request the enforcement before the labour court which issued the first instance ruling, within the following time:

- (i) Within 20 days from the date designated by the employer for the reinstatement.

- (ii) Within 20 days from the end of the ten-day term referred to above, provided the employer does not communicate the employee the date in which she must be reinstated.
- (iii) Within 20 days from the reinstatement date, if the reinstatement is considered irregular by the employee.

Notwithstanding the above, the employee may request the enforcement within 3 months from the date in which the court ruling becomes final. However, the employee would not be entitled to any salaries accrued from the end of the terms referred above and the date of reinstatement.

In case the employee is entitled to reinstatement, she would also be entitled to the salaries accrued between the date of the dismissal and the date of the reinstatement, with the limits identified above. Therefore, the employee may request the enforcement of such payment to the same court which issued the first instance ruling.

### III.12 Eviction

The Spanish Procedural Act distinguishes between the handover of immovable property:

- (i) that is the habitual residence of the debtor or her dependents, and
- (ii) in which there are other inhabitants

In the first case, the debtor/her dependents have one month to leave the immovable property. The deadline can be extended for one more month, if there are justified reasons. There are additional time limits in foreclosure procedures if the debtor is in a situation of particular vulnerability, which includes families with income below a certain minimum with juvenile or victims of gender violence, among others.

Without prejudice of the applicable rules in public sales where the court may have already decided on the situation, in the second case, the applicant may request the eviction. In that case, the inhabitants will be served notice so that they can submit evidence of their rights over the immovable property in 10 days. The court will then decide on the eviction.

The eviction is carried out with the judicial officer and the law enforcement authorities. If the eviction is related to lack of payment by the tenant or the termination of the contract, the presence of the judicial officer is not necessary to avoid delay, but instead another civil servant with a lower rank will be present.

The judicial officer establishes a deadline for the debtor to pick up any movable items located in the immovable property that are not covered by the enforceable title. If she does not remove the movable items within the deadline, it is understood that they are abandoned.

The person being evicted may request a compensation for non-separable items in the immovable property that belong to her, if those are plantations or facilities necessary for the ordinary use of the immovable property.

The applicant may claim that there are damages in the immovable property, caused

by the debtor or other inhabitants. In that case, the court may order the retention and deposit of sufficient debtor's assets to pay for the compensation.

Note that currently there are certain eviction-related rules in force as a consequence of the COVID pandemic. As they are expected to be removed in the coming months, they have not been mentioned in this report.

### **III.13 Enforcement of obligations to act, refrain from acting or suffer action**

In the case of an enforcement of an obligation for action, the judicial officer establishes the deadline within which the debtor must fulfil the obligation, taking into account the nature of the obligation, together with the request and reasons of the applicant.

If the obligation for action can be performed by anyone and the debtor does not fulfil the obligation within the deadline, the applicant has two options (unless they have agreed otherwise in the contract):

- (i) request a compensation of damages, or
- (ii) be granted the power to request it from a third party at the debtor's expenses.

In the second case, the judicial officer appoints an independent valuator to determine the cost and the debtor is requested to deposit that amount. Otherwise, her assets are attached and a sale carried out to obtain the necessary amount.

If the obligation for action needs to be performed by a specific person and the debtor does not fulfil the obligation within the deadline, the applicant has two options:

- (i) request the equivalent monetary amount of the obligation for an action, together with one order of payment by way of a penalty, or
- (ii) request the specific performance and an order of payment by way of a penalty per month of delay.

The court decides on this by way of resolution. If the applicant has requested the specific performance and after one year the debtor has not fulfilled the obligation yet, the court decides on an equivalent monetary amount or a different measure, upon request by the applicant and after having heard the debtor.

In the case of an enforcement of an obligation to refrain from acting, the judicial officer orders to:

- (i) undo the forbidden act, with an order of payment by way of a penalty per month of delay,
- (i) cease in the conduct, and
- (ii) compensate the damages.

If (i) and (ii) are not possible, then only damages are compensated.

### **III.14 Sequestration of goods**

The Spanish Procedural Act regulates the judicial deposit (custody) of movable assets

whose attachment has been ordered by the judicial officer. If the rights are subject to registration, a note of enforcement is included in the corresponding register, e.g., transferable securities in book-entry form.

In other cases, the judicial officer decides on the place where the assets are deposited and the person in charge of the deposit (custodian) among:

- (i) An appropriate establishment, that can be the court, a bank or another third party, depending on the circumstances, if the movable assets are transferable securities in certificated form or valuable objects or in need of special protection.
- (ii) Any other third party, if the movable asset is already in her hands.
- (iii) The debtor, if the movable asset is deployed in a productive activity or there are difficulties for the transportation or storage of the movable property, or
- (iv) The creditor, in situations other than (i) to (iii), or if the judicial officer finds it more appropriate.

The Spanish Procedural Act states that the chamber of solicitors may also act as custodian, if the judicial officer so decides.

There are certain special rules regarding the special enforcement procedures relating to mortgaged or pledged movable assets. Both in the case of mortgaged motor vehicles or non-dispossessionary pledges over different kinds of assets (including fruits and incomes from farmlands, forest or livestock activities, their machinery and equipment, goods or raw materials), the judicial officer decides on the deposit of the movable assets with the creditor or a person chosen by her.

### **III.15 Enforcement of foreign enforceable documents from non-EU States**

Enforceable foreign (non-EU) resolutions are not directly enforceable in Spain. A recognition procedure (*procedimiento de exequatur*) is needed. Once the *exequatur* is obtained, the foreign resolution is enforced under the general rules of the Spanish Procedural Act, discussed in other sections of this report. This is only possible if the resolution is enforceable under the laws of the State of origin.

Conversely, foreign authentic instruments are directly enforceable, without an *exequatur* proceeding, with the same requirements as Spanish titles, provided that:

- (i) They are enforceable titles in accordance with the law of the State of origin and;
- (ii) They are considered equivalent to enforcement titles established under Spanish law.

The only ground for refusal of enforcement is public order.

Notwithstanding any international convention providing differently, also foreign court settlements are directly enforceable, like the enforceable foreign authentic instruments mentioned above, after an equivalence test.

The *exequatur* regime for foreign court resolutions is dispersed in several legal instruments, including national provisions and international conventions, and has different formalities and requirements depending on the matter at stake.

The general rules on recognition and enforcement of resolutions on civil and commercial matters, including labour law matters and civil claims for damages or restitution which are based on an act giving rise to criminal proceedings, applicable in the absence of international conventions or specific rules *rationed material*, are established in the International Cooperation Act.

According to it, only final decisions may be recognized and enforced and interim measures insofar as they are not issued *inedita parte* and only where refusal to recognize infringes the right to an effective legal remedy. In practice, providing evidence of this requirement makes it unlikely to obtain the recognition of the interim measure.

The interested party should bring proceedings before the courts of first instance of the domicile of the party against whom enforcement is sought or before commercial courts, depending on the matter, or before the court which has opened insolvency proceedings (if the person against whom enforcement is sought is insolvent). The *exequatur* and enforcement request may be brought together, although the enforcement will of course not take place until the *exequatur* is granted. The proceedings, which are simple and entirely in writing without hearings, involve confrontation, require the participation of a lawyer and a solicitor and also the participation of the Public Prosecutor.

In the course of the *exequatur*, the competent court, upon request of the party against whom enforcement is sought, will check the following issues, which may lead to refusal of recognition of the foreign resolution:

- (i) If it is contrary to the public order.
- (ii) If it has breached the rights of defense; if the resolution is given in default of appearance, it is only recognized if the defendant was duly served in sufficient time to enable him to arrange for his defense.
- (iii) If it is based on a ground of international jurisdiction which is not considered a “reasonable connection”; it is presumed to be a reasonable connection if it is coincident with one of the Spanish grounds of international jurisdiction. Judgments made in breach of an exclusive choice of court agreement or exclusive jurisdiction are never recognized.
- (iv) If it is irreconcilable with another resolution (Spanish or foreign but already recognized) or if there is a dispute pending in Spain commenced before the Spanish proceedings.

The resolution granting the *exequatur* may be subject to appeal under the general rules of the Spanish Procedural Act.

Insolvency legislation provides for a similar regulation, under which foreign resolutions need to obtain the *exequatur* in the same proceedings highlighted above



and with similar grounds for refusal of recognition. In addition, such rules are subject to a negative reciprocity condition according to which they would not apply vis-à-vis jurisdictions which systematically refuse to cooperate. Such negative reciprocity condition also exists in the Spanish Procedural Act, but even more limited and subject to the approval of a royal decree in exceptional circumstances.

Moreover, there are certain special rules for the recognition of foreign resolutions in specific matters, dispersed in a number of international conventions and domestic rules. Among them adoption, maintenance or parental responsibility.

Finally, the recognition and enforcement of foreign arbitral awards is governed by the 1958 New York Convention in relation to the grounds for refusal of recognition and enforcement and the suspension of recognition and enforcement proceedings, unless there is any other more favorable convention. However, the *exequatur* proceeding is established by the rules of the Spanish Procedural Act discussed above.

#### **PART IV: ENFORCEMENT COSTS**

##### **IV.1 The costs of enforcement**

The Spanish Procedural Act considers enforcement costs (as opposed to the wider concept of expenses):

- (i) Initiation fees with regard to the enforcement of extrajudicial enforceable titles or the filing of an objection to the enforcement of enforceable judicial titles. Natural persons, legal persons with a right to legal aid (e.g., foundations), the Public Prosecutor, public administrations, public entities, Congress, Senate and similar institutions at regional level are, however, exempted from such initiation fee. In addition, foreclosure procedures where the immovable property is the habitual residence are exempted, as well as any other procedure against the same debtor related to such indebtedment. The fixed amount in civil proceedings is EUR200. The payment receipt must be submitted together with the enforcement application or the filing of objection to the enforcement, where appropriate.
- (ii) Lawyer's fees and solicitor's tariffs including added-value tax, if their participation in the proceedings is mandatory (for example, in labour proceedings, the solicitor's participation is not).
- (iii) Announcements or edicts that are mandatory during the proceedings.
- (iv) Remuneration of independent experts (e.g., independent valuator) or other parties that had participated in the enforcement procedure, and
- (v) Tariffs paid to registers or notaries, where this is mandatory in accordance with the law.

In certain cases, a deposit is required for appealing a resolution. That deposit is not, however, considered part of the enforcement costs.

The judicial officer is a civil servant and is not entitled to any kind of specific fees or remuneration for the performance of enforcement-related activities.

The creditor establishes in the application for the opening of enforcement procedures of monetary claims the amount to be enforced, increased in a maximum of 30 per cent



to cover interests that may arise during the enforcement and enforcement costs. This increase is limited to 5 per cent in the case of foreclosure procedures of the habitual residence of the debtor.

The court, in the resolution initiating enforcement procedures, can only control if the increase has respected the maximum established by the law. The attachment of the debtor's assets is carried out to cover such increased amount.

The creditor can make an assessment of the enforcement costs based on the publicly available regulated tariffs of certain parties; for examples notaries, registers or solicitors (see for example solicitors: in accordance with the Royal Decree on Solicitor's Tariffs, which establishes a scale). In the case of lawyer's fees, each of the bars have orientative criteria to establish such fees for procedural costs purposes (see for example *Ilustre Colegio de Abogados de Madrid* (Madrid Bar: <https://web.icam.es/>) that provides the following email in the webpage for any consultation in this regard: [honorarios@icam.es](mailto:honorarios@icam.es)).

During the procedure, each party pays for the costs in the moment they arise (typically the creditor but may also be the debtor for procedural acts at her request), with the exception of the party who benefits from legal aid.

As a general rule, the debtor is in charge of all enforcement costs and therefore she must reimburse them in the moment they are liquidated. There is, however, a number of situations in which the court needs to establish who is in charge of the enforcement costs, for example, if the debtor objects to the enforcement.

If the debtor pays after the order of payment or before the resolution initiating enforcement procedures, she must cover all enforcement costs generated so far, unless she can prove that she did not pay before without any fault on her part. In case of partial payment, the enforcement procedure will continue for the pending part and the debtor must cover all related enforcement costs, as explained above.

The enforcement procedure is only finalized in the moment that the creditor has obtained full satisfaction, including interests arising during the enforcement and enforcement costs. Once they are paid, the judicial officer closes the enforcement procedure by way of decree. If the debtor does not pay because she is insolvent, the enforcement procedure is suspended upon the opening of insolvency proceedings, subject to certain exceptions.

If the person entitled to legal aid is the creditor, it covers:

- (i) Initiation fee.
- (ii) Lawyer and solicitor, if their participation is mandatory.
- (iii) Announcements and edicts that are mandatory.
- (iv) Independent experts in the public administration.
- (v) Free copies and certifications and other specific instruments provided by law from notaries and registers, and a reduction of 80 per cent of the tariffs in the remaining instruments.

The bar, the chamber of solicitors, notaries, registers and the judiciary assume initially the costs. If the creditor is successful, the debtor will reimburse the costs related to

the lawyer and the solicitor.

If the beneficiary of legal aid is the debtor, she will be liable to pay the enforcement costs incurred by the creditor if, in the three following years, her revenues increase over the threshold established by the law.

## PART V: LINKS, LITERATURE AND SOURCES

### Legislation

1. Constitución española (Spanish Constitution): <https://www.boe.es/buscar/pdf/1978/BOE-A-1978-31229-consolidado.pdf>
2. Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial (Spanish Judiciary Act): <https://www.boe.es/buscar/pdf/1985/BOE-A-1985-12666-consolidado.pdf>
3. Real Decreto de 24 de julio de 1889 por el que se publica el Código Civil (Spanish Civil Code): <https://www.boe.es/buscar/pdf/1889/BOE-A-1889-4763-consolidado.pdf>
4. Ley 1/2000, de 7 de enero, de Enjuiciamiento Civil (Spanish Procedural Act): <https://www.boe.es/buscar/pdf/2000/BOE-A-2000-323-consolidado.pdf>
5. Decreto de 8 de febrero de 1946 por el que se aprueba la nueva redacción oficial de la Ley Hipotecaria (Foreclosure Procedures Act): <https://www.boe.es/buscar/pdf/1946/BOE-A-1946-2453-consolidado.pdf>
6. Decreto de 14 de febrero de 1947 por el que se aprueba el Reglamento Hipotecario (Foreclosure Procedures Regulation): <https://www.boe.es/buscar/pdf/1947/BOE-A-1947-3843-consolidado.pdf>
7. Ley 36/2011, de 10 de octubre, reguladora de la jurisdicción social (Labour Procedural Act): <https://www.boe.es/buscar/pdf/2011/BOE-A-2011-15936-consolidado.pdf>
8. Real Decreto Legislativo 1/2020, de 5 de mayo, por el que se aprueba el texto refundido de la Ley Concursal (Insolvency Act): <https://www.boe.es/buscar/pdf/2020/BOE-A-2020-4859-consolidado.pdf>
9. Real Decreto de 14 de septiembre de 1882 por el que se aprueba la Ley de Enjuiciamiento Criminal (Criminal Procedural Act): <https://www.boe.es/buscar/pdf/1882/BOE-A-1882-6036-consolidado.pdf>
10. Ley 5/2012, de 6 de julio, de mediación en asuntos civiles y mercantiles (Mediation in civil and commercial matters Act): <https://www.boe.es/buscar/pdf/2012/BOE-A-2012-9112-consolidado.pdf>
11. Ley 19/1985, de 16 de julio, Cambiaria y del Cheque (Spanish Bill of Exchange and Cheque Act): <https://www.boe.es/buscar/pdf/1985/BOE-A-1985-14880-consolidado.pdf>
12. Real Decreto 1608/2005, de 30 de diciembre, por el que se aprueba el Reglamento Orgánico del Cuerpo de Secretarios Judiciales (Royal Decree on the Regulation of Judicial Officers):



<https://www.boe.es/buscar/pdf/2006/BOE-A-2006-839-consolidado.pdf>

13. Ley 18/2011, de 5 de julio, reguladora del uso de las tecnologías de la información y la comunicación en la Administración de Justicia (IT in the Administration of Justice Act): <https://www.boe.es/buscar/pdf/2011/BOE-A-2011-11605-consolidado.pdf>
14. Ley de Hipoteca Mobiliaria y Prenda sin Desplazamiento, de 16 de diciembre de 1954 (Mortgages of Movable Property and Non-dispossession Pledges Act): <https://www.boe.es/buscar/pdf/1954/BOE-A-1954-15448-consolidado.pdf>
15. Real Decreto Legislativo 1/2004, de 5 de marzo, por el que se aprueba el texto refundido de la Ley del Catastro Inmobiliario (Cadastre Act): <https://www.boe.es/buscar/pdf/2004/BOE-A-2004-4163-consolidado.pdf>
16. Ley 29/2015, de 30 de julio, de cooperación jurídica internacional en materia civil (International Cooperation Act): <https://www.boe.es/buscar/pdf/2015/BOE-A-2015-8564-consolidado.pdf>
17. Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: <https://assets.hcch.net/docs/e86d9f72-dc8d-46f3-b3bf-e102911c8532.pdf>
18. Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children: <https://assets.hcch.net/docs/f16ebd3d-f398-4891-bf47-110866e171d4.pdf>
19. Hague Convention of 2 October 1973 on the Law Applicable to Maintenance Obligations: <https://assets.hcch.net/docs/86a87ff7-e700-4e05-a40c-61090beecb9c.pdf>
20. Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance: <https://assets.hcch.net/docs/14e71887-0090-47a3-9c49-d438eb601b47.pdf>
21. Convention on the Recovery Abroad of Maintenance, New York, 20 June 1956: <https://assets.hcch.net/docs/30c3a5d7-4a53-4a6c-aef5-226600585cc3.pdf>
22. Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption: <https://assets.hcch.net/docs/77e12f23-d3dc-4851-8f0b-050f71a16947.pdf>
23. Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958): <https://www.uncitral.org/pdf/english/texts/arbitration/NY-conv/New-York-Convention-E.pdf>
24. Ley 54/2007, de 28 de diciembre, de Adopción internacional (International Adoption Act): <https://www.boe.es/buscar/pdf/2007/BOE-A-2007-22438-consolidado.pdf>
25. Ley 1/1996, de 10 de enero, de Asistencia Jurídica Gratuita (Legal Aid Act): <https://www.boe.es/buscar/pdf/1996/BOE-A-1996-750-consolidado.pdf>



26. Real Decreto 1373/2003, de 7 de noviembre, por el que se aprueba el arancel de derechos de los procuradores de los tribunales (Royal Decree on Solicitors' Tariffs): <https://www.boe.es/buscar/pdf/2003/BOE-A-2003-21104-consolidado.pdf>
27. Ley 10/2012, de 20 de noviembre, por la que se regulan determinadas tasas en el ámbito de la Administración de Justicia y del Instituto Nacional de Toxicología y Ciencias Forenses (Judicial Fees Act): <https://www.boe.es/buscar/pdf/2012/BOE-A-2012-14301-consolidado.pdf>

### Institutional Links

1. Ilustre Colegio Nacional de Letrados de la Administración de Justicia (Judicial Officers' Chamber): <https://letradosdejusticia.es/>
2. Ilustre Colegio de Procuradores de Madrid (Madrid Chamber of Solicitors): <http://www.icpm.es/>
3. Ilustre Colegio de Abogados de Madrid (Madrid Bar): <https://web.icam.es/>
4. Registradores de España (Spanish Registers): <https://www.registradores.org/>
5. Consejo General del Notariado (General Board of Notaries): <https://www.notariado.org/portal/>
6. Catastro (Cadastre): <http://www.catastro.minhap.gob.es>
7. Agencia Estatal Boletín Oficial del Estado. Tablón Judicial Edictal Único <https://www.boe.es/notificaciones/>
8. Portal de la Administración de Justicia: <https://www.administraciondejusticia.gob.es/paj/publico/pagaj/home/>
9. Portal de Subastas (e-auction): <https://subastas.boe.es/>
10. Punto Neutro Judicial: <http://www.poderjudicial.es/cgpi/es/Temas/e-Justicia/Servicios-informaticos/Punto-Neutro-Judicial/>