

IN-DEPTH

Dispute Resolution

SPAIN



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Damian Taylor

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In-Depth: Dispute Resolution (formerly The Dispute Resolution Review) provides an indispensable overview of the civil court systems in major jurisdictions worldwide. It examines the key aspects of each jurisdiction's dispute resolution rules and practice, and developments over the past 12 months. It is also forward-looking, with astute analysis of likely future trends and developments.

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Spain

Ángel Pérez Pardo de Vera and Raquel Hazeu González

Uría Menéndez

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Introduction

Spain is a social, democratic and sovereign state governed by the rule of law, which advocates for freedom, justice, equality and political pluralism as higher values of its legal system.

Spain's government is a parliamentary monarchy. It has been a Member State of the European Communities since 1986 and the European Union since 1993. Its territory is divided into 17 autonomous regions and two autonomous cities. Some of these regions have significant legal peculiarities.

The Spanish system is a civil law system. Its guiding principles are the principle of the rule of law, normative order, the publication of regulations, the non-retroactivity of punitive provisions that are unfavourable to or restrictive of individual rights, legal certainty and accountability, and prohibition of bias for public powers.

Sources of law

The Spanish legal system is hierarchical. The sources of law are classified as follows.

Legal and regulatory provisions

Constitution

The Constitution provides the basic regulations on fundamental rights and duties, the Crown, Parliament, the government, the relationships among the main institutions, the judiciary, territorial division, the distribution of powers between the state and the autonomous regions, the Constitutional Court and the procedure to amend the Constitution.

International provisions and EU law

Validly concluded international treaties constitute part of the internal legal order once officially published in Spain. In the event of a contradiction between the provisions of an international treaty and national law, the former will prevail.

European Union law is also part of the Spanish legal system and, hierarchically, is above national laws.

Laws

Parliament, composed of two chambers, the Congress and the Senate, passes legislation on matters reserved by the Constitution to the state. When a law affects fundamental civil rights and liberties, it is denominated a basic law and is enacted through a special procedure requiring an absolute majority in Congress. Ordinary laws require simple majorities.

Each of Spain's 17 autonomous regions has its own parliament that may pass legislation on delegated matters.

The relationship between laws (national or regional) is not based on a hierarchical principle but on a material one: different matters or different territorial scopes require different laws.

Decree-laws and legislative decrees

Decree-laws are approved by the government. They regulate exceptionally urgent matters and must be ratified by Congress.

Parliament may occasionally authorise the government to make and enact legislative decrees, which have the same rank as law. Legislative decrees are generally used to consolidate and redraft existing laws.

Decrees, ministerial orders and resolutions

Legislation, both national and regional, is developed through these three types of provisions. Decrees are issued by the government, ministerial orders by the relevant minister, and resolutions by administrative bodies or authorities. In the event of conflict, laws prevail.

Custom

In the absence of applicable law, custom has the force of law, provided that it is substantiated and is not contrary to moral standards or public policy. Custom is considered as the primary source of law under the special civil legal framework in the region of Navarre.

General principles of law

In the absence of legislation and custom, general principles of law apply. They are unwritten principles underlying the legal system based on concepts such as fairness and logic.

Case law

Law is never created by court decisions, but case law issued by the Supreme Court is highly valued as a source of interpretation and application of the law.

Court system

The Spanish court system is an independent power within the state. The courts forming the judicial system are structured in five jurisdictions: civil and commercial; criminal; administrative; labour; and military. At the top is the Supreme Court, featuring five chambers, one for each jurisdiction.

Civil and commercial courts

The civil and commercial jurisdiction deals with contractual claims, tort law, family law, inheritance and, in general, any matter that does not fall under the other jurisdictions. The courts of first instance are the core of this jurisdiction.

Specialised commercial courts have been created in some of the largest Spanish cities. They deal with claims lodged in relation to:

1. insolvency of companies and individuals;
2. unfair competition, antitrust, industrial property, intellectual property (IP) and advertising matters;
3. corporate law;
4. international or national inland transport, maritime law and air law (with specific exceptions); and
5. appeals against specific decisions issued by the Directorate General for Registries and Notaries.

If a commercial court does not exist in a particular judicial district, the corresponding matters remain under the jurisdiction of the courts of first instance.

Decisions of courts of first instance (or commercial courts) are subject to appeal before the civil chambers of the provincial courts. A provincial court's decision can, in certain cases, be appealed to the Supreme Court.

Criminal courts

Criminal cases are investigated by a judge, assisted by the police. The public prosecutor is a party to the criminal proceedings. Victims (including the state (e.g., in a tax fraud case)) may also be a party to the proceedings as private accusers. Any person or legal entity can also become a party to criminal proceedings, even if they have not been a victim of the crime, by exercising a popular action.

Except for minor offences, cases are always heard by a court other than that in charge of the investigation. Offences punished with penalties of up to five years' imprisonment are heard by criminal courts (one judge), whereas cases involving more severe offences are heard by the criminal chamber of the corresponding provincial court (each chamber being formed by three judges).

A decision can always be appealed before a higher court: if the case is heard by a criminal court, the appeal must be filed before the corresponding provincial court; if the case is heard by the latter, the appeal must be filed with the corresponding high court of justice.

Labour courts

A wide range of employment disputes are heard in this area of law, including claims regarding work shifts, holiday entitlement, discrimination in the workplace, the right to strike or challenge disciplinary measures and, more usually, claims for unfair dismissal. In addition to the individual exercise of labour-related actions by employees, trade unions can also act on behalf of their members.

At first instance, claims are heard by labour courts. Subject to statutory requirements, judgments issued by labour courts can be appealed before the high court of justice of the corresponding autonomous region. Likewise, under certain circumstances, judgments issued by a high court of justice can be appealed to the Supreme Court.

Administrative courts

Cases relating to resolutions issued by public authorities, the challenge of general provisions with lower hierarchical standing than a law or legislative decrees, appeals against a public authority's failure to act, and claims linked to the liability of the public authorities and their staff are heard by administrative courts.

This jurisdiction is the legal channel through which companies can challenge, inter alia, decisions of the regulators of the financial, telecommunications or utilities sectors and competition decisions.

Contentious administrative courts are the equivalent of the civil courts of first instance in administrative law. Their decisions may be appealed to the high court of justice of the relevant autonomous region and, under certain circumstances, to the Supreme Court.

Territorial organisation

The whole territory is divided into judicial districts covering one or more municipalities. There is always at least one court of first instance and one criminal investigation court in the 'capital' of each judicial district (although in small judicial districts there may be only one judge with dual responsibility). With the reform introduced by Basic Law 1/2025, single-judge courts will be replaced by district courts, which will function as collegiate bodies. Likewise, justice courts will be replaced by local justice offices.

Labour courts, criminal courts and contentious administrative courts are located in the capital of each of Spain's 50 provinces and in certain larger cities.

Courts of appeal are distributed regionally and include the provincial courts, the high court of justice of each autonomous region and the Supreme Court.

There is also a central court, the National Court, which combines various levels of jurisdiction. The National Court is based in Madrid but has nationwide jurisdiction on matters regarding offences with considerable implications (e.g., terrorism and organised crime) and labour and administrative matters of special importance.

The Constitutional Court

The Constitutional Court is not part of the court system, but rather is an independent national institution that resolves disputes between the state and autonomous regions, disputes relating to the constitutionality of laws and violations of constitutional rights.

The General Council of the Judiciary

The General Council of the Judiciary is in charge of the organisation and inspection of Spanish courts. Its functions are supervising judges and courts, selecting and training judges and magistrates and assigning them to a court, and electing its own President and the President of the Supreme Court from among its members. It also names two judges to the Constitutional Court.^[1]

Year in review

Legislation

Among others, the following legislative developments are noteworthy.

Basic Law 1/2025 of 2 January on measures for a more efficient administration of justice

Basic Law 1/2025 was published in the Official State Gazette on 3 January of 2025 and entered into force on 3 April of 2025. Its procedural reforms will apply to proceedings that are initiated on or after the date of its entry into force, with some exceptions.

The reform is based on two main pillars: (1) an increased focus on alternative means of dispute resolution (ADR), which become a procedural requirement to file a lawsuit in most civil and commercial matters; (2) an organisational reform of the public administration of justice, notably with the creation of new courts of first instance.

In relation to the first pillar, ADR is defined as any type of negotiation to which the parties resort in good faith with a view to reaching an out-of-court settlement; they can engage in negotiations themselves or appoint a neutral third party to assist them. Article 5 of Basic Law 5/2025 establishes that prior recourse to ADR is a procedural requirement that will only be fulfilled if the subject matter of the ADR is the same as that of the relevant legal proceedings. The parties must have documentary evidence of having complied with this requirement. Enforcement actions, pre-suit injunctive relief or pretrial proceedings, among others, are not subject to this ADR requirement.

Moreover, how the parties conduct themselves during the ADR procedure will have a significant bearing on the court's decision on costs. Any party who expressly (or through their actions) refuses to participate in the ADR process (other than for a just cause) risks being ordered to pay the costs even if the matter is settled and may not benefit from the counterparty having to bear the costs when the judgment is in their favour.

Several changes to oral proceedings have also been made. First, the claimant is given five days after the statement of defence is filed to respond to the procedural objections raised in it and the same time frame applies for both parties to propose evidence. Parties will then have three days to challenge the documents and expert reports submitted. The court will issue an order resolving all of these procedural matters. Second, the reform includes the possibility of the handing down oral judgments. If the parties are present at the hearing and state that they do not intend to appeal the decision, the oral judgment becomes final. Otherwise, the parties have five days from the hearing to declare their intention to appeal, and the time to submit the appeal starts to run from the moment the parties are notified of the judgment in writing.

In relation to the second pillar on the organisational reform of the public administration of justice: first, and as mentioned, single-judge courts will be replaced by district courts, which will be collegiate bodies that bring together all the judges of each judicial district. Local justice offices will be set up in municipalities to replace justice courts that deal with more minor disputes. They will be given more power to assist the civil registry, in the resolution of local and administrative procedures, and in ADR mechanisms. The reform also encourages using technology to carry out procedural acts remotely and reduce costs.

The reform also deals with judicial auctions. First, the deposit to be able to participate in the auction is increased from 5 to 10 per cent for movable assets and 20 per cent for immovable assets. The auction process will be conducted through secret bids so that the amounts other bidders propose remain undisclosed until the auction has concluded. Second, if the execution creditor acquires the property for a price higher than the debt the execution debtor owes and fails to deposit the difference within 10 days, the auction is declared void. In these cases, the amount equivalent to the deposit required from other bidders is deducted from the debt owed to the execution creditor, who will bear the costs of organising a new auction. Finally, if the bids made are below 70 per cent of the auction value, the execution debtor can propose another party that is willing to offer more, so long as it offers at least 60 per cent of the auction value.

Basic Law 5/2024 of 11 January on the right to defence

Basic Law 5/2024 develops and gives visibility to the right to defence through a holistic approach involving the rights-holders, the legal profession, the courts and the professional bar associations.

First, it reinforces a client's right to be informed by legal professionals, among other things, on the status of the proceedings and their economic consequences. The law requires court decisions to be handed down in clear and plain language. It also states that legal professionals must inform potential clients about their fees and about the possibility of the client having to bear legal costs.

Second, the law introduces new safeguards to protect privileged lawyer–client communications. This was previously only regulated by lawyers' professional conduct rules. But now, all lawyer–client documents and communications are protected and lawyers are exempt from testifying on any fact or document that they become aware through their professional services. This level of confidentiality must be respected when entering and searching lawyers' offices. Lawyer–client communications will have no evidentiary value in court, with some exceptions, such as legally obtained communications, those in which the lawyer expressly indicated that they may be used in court or subsequently consented to their use in court.

This law highlights the importance of respecting a lawyer's right to free and independent professional conduct, to a work-life balance and freedom of expression before public authorities. The law also introduces a number of procedural reforms, such as the possibility for judges to extend time limits for procedural acts in exceptional situations (e.g., to submit an expert report in especially complex cases), and it crystallises the principle of interpretation favourable to the right to defence, which is the result of Constitutional Court case law.

Royal Decree-law 6/2023 of 19 December, which approves urgent measures to implement the Recovery, Transformation and Resilience Plan

This law, in line with Basic Law 1/2025, has made some reforms to improve the efficiency of the public administration of justice.

The provisions on procedural efficiency entered into force on 21 March 2024 and apply to proceedings initiated after this date. The purpose of the reform is twofold: (1) modernise and digitalise the justice system; (2) reduce litigation and streamline legal proceedings by making them more efficient. For the purposes of this chapter, we focus on Book I on procedural reforms; Books II, III and IV make other changes that affect civil service, local government and taxation of non-profit organisations.

First, the general rule will now be to hold virtual hearings, unless witnesses and experts have to testify. And even then, the parties may request that the hearing be held remotely. All procedural notifications will be sent electronically, unless the party is not represented by a court agent or is not obliged to communicate electronically with the public authorities. Electronic judicial platforms have been created to provide parties with a single point of access using a secure login system, and to enhance cooperation between authorities in the legal system through a Judicial Interoperability and Security.

Second, the law allows 'pilot cases' for individual actions concerning general terms and conditions. The pilot case is given priority and other similar proceedings can be stayed so that once the pilot case is decided, that decision can be applied directly to the other cases without having to go through declaratory proceedings. But this only applies if (1) the persons concerned are in the same legal position as those in the pilot case; (2) the proceedings involve the same defendant (or its successor in the proceedings); (3) it is not necessary to assess the transparency of the clause in question or if the contracting party's consent was vitiated (which would require an individualised analysis); (4) the general terms and conditions are substantially identical in both proceedings; and (5) the court that issued the judgment in the pilot case also has territorial jurisdiction to hear the other claim.

Third, the new law changes the criteria for claims to be processed through ordinary proceedings or oral proceedings. For instance, lawsuits concerning collective actions brought in relation to general terms and conditions and those exceeding €15,000 will be processed through ordinary proceedings (the threshold previously being €6,000).

Appeals are no longer filed with the court of first instance and then transferred to the second instance court; they are now filed directly with the court of appeal. The new law also introduces more rules on costs, notifications and the time limit for submitting expert witness reports in expedited oral proceedings, among other matters.

Court practice

Among many notable decisions handed down in 2024, the following are particularly noteworthy.

Supreme Court judgment dated 20 February 2024 on the limitation period for director liability and individual liability claims

In this case, the Supreme Court clarified the time limits for director liability claims for corporate debts and individual liability actions when a company becomes insolvent. This judgment builds on the Court's earlier decision from 31 October 2023, which held that the limitation period for the action under Article 367 of the Capital Companies Law is that of the joint and several guarantors, that is, the same period as the guaranteed obligation (the corporate debt).

This case involved a worker who was unfairly dismissed and was awarded compensation, back pay and legal costs. However, the worker was never paid because the company became insolvent. The worker then took legal action against the company's directors under Articles 241 and 367 of the Capital Companies Law.

The Supreme Court reaffirmed that the time limit for claims under Article 367 should follow the general rule in Article 1964 of the Civil Code, in line with the October 2023 judgment. However, this February 2024 judgment goes further by providing detailed guidance on how these time limits apply specifically to different types of corporate debts, such as contractual obligations or torts, thereby offering more precise direction for future cases. For instance, the debt for unpaid salaries arises with the non-payment of each salary (Article 29 of the Workers' Statute) while indemnities for unfair dismissal arise when the court issues an order in the incident of non-reinstatement (Article 56 of the Workers' Statute), since the credit for indemnity accrues from the moment the employer decides not to reinstate the worker.

Furthermore, the judgment outlines the criteria for individual liability actions, emphasising that it is not enough to claim that the company was likely to be wound-up. Creditors must prove that the directors' actions directly prevented them from recovering their debts. Specifically, they need to show that they would have been able to recover their money had the directors properly dissolved and liquidated the company. In this case, the worker was unable to show that this would have been the case.

Ultimately, the Supreme Court partially upheld the claim for liability for debts, recognising the company's failure to dissolve on time, but found that there was insufficient evidence to support the individual liability action.

This judgment is significant because it not only reaffirms the alignment of limitation periods with the nature of corporate debts but also provides clearer criteria for proving director liability, thereby refining and expanding upon the doctrine established in the October 2023 decision.

Supreme Court judgment dated 29 May 2024, on the distinction between necessary and 'essential' information to challenge corporate agreements

The Supreme Court clarifies the requirements to invoke the right to information as a partner or shareholder when challenging corporate agreements. In this case, a shareholder with 20 per cent of the share capital requested some documents at the general shareholders' meeting. The company provided most of the documents but did not disclose daily sales figures and individual employee payrolls. The shareholder challenged the corporate agreements reached claiming his right to information had not been respected.

The first instance court ruled in favour of the claimant considering there had been a breach of his right to information. The defendant appealed before the provincial court,

which confirmed the decision. The defendant appealed again to the Supreme Court, which analysed the distinction between 'necessary' information and information that is 'essential' to exercise the right to vote. While 'necessary' information can be useful and relevant to influence the decision of shareholders, only withholding essential information will lead to a corporate agreement being deemed null.

In this case, the Supreme Court held that, although the requested documents were useful to decide on the approval of the annual accounts, they were not essential for the shareholders to form an opinion and exercise their rights effectively. The court concluded that the aggregated data and financial statements provided were enough to inform shareholders about the company's financial health and performance.

Supreme Court judgment dated 24 July 2024 on whether covid-19 qualifies as force majeure

This judgment illustrates the distinction between force majeure and the *rebus sic stantibus* principle, particularly in the context of the covid-19 pandemic and its impact on contractual obligations. The court explained that force majeure refers to unforeseeable and unavoidable events that *exempt* a party from fulfilling contractual obligations. By contrast, the *rebus sic stantibus* principle is a legal concept that would allow to *modify* a contractual obligation when there has been a radical and unforeseeable change in circumstances that disrupts the balance of the contract.

The Supreme Court explains that, for monetary debts such as rent payments, force majeure does not apply because money is considered a generic good that 'never perishes'. Thus, although the covid-19 pandemic resulted in economic difficulties, these did not render performance impossible in such a way that a party should be exempted from its obligation to pay. In other words, it was still technically possible for the payment obligation to be fulfilled despite economic difficulties.

Hence, the court dismisses the appeal, holding that there was no such force majeure event. Likewise, the court explains that it was not reasonable to invoke the force majeure defence, which would entail that performance was impossible, while invoking *rebus sic stantibus* in a separate lawsuit to ask for the contractual obligations to be modified. The *rebus sic stantibus* principle should have been invoked as a counterclaim in the same proceedings.

The judgment is significant as it clarifies that while the pandemic may have caused economic hardship, it does not automatically justify non-performance under force majeure, since economic hardship alone does not result in an impossibility to perform. In any case, it could be considered an alternation of the circumstances that would allow for the modification of contractual obligations if correctly proven and invoked.

Court procedure

Overview of court procedure

All civil, criminal and labour proceedings may have written and oral phases. Administrative proceedings are mainly conducted in writing.^[2]

The oral principle is linked to the immediacy principle. Immediacy requires that the judge who renders the judgment be the same as the one who heard the oral trial and has therefore had direct contact with the parties, the witnesses, the experts and the subject of the trial, enabling the judge to form an opinion on the case.

Principles inherent to civil proceedings

Principle of controversy or dual parties

The parties must provide the court with all the relevant facts, which must be duly evidenced. The court's task is to consider the allegations and means of evidence provided by each party.

Principle of equality of arms

Parties acting in a process must have access to the same resources in preparing their respective claims and defences. This includes the right to access all evidence produced or observations made.

Principles inherent to the object of the proceedings

Principle of initiative

Only the parties to an action may initiate civil proceedings and may determine the matter under dispute through the initial claim and counterclaim. This principle entails that once an action has been brought before the court, only the parties to the claim may have any bearing on the action. Therefore, in general terms, the claimant is free to continue or withdraw the claim.

The right of the defendant to be heard

This right establishes that no judgment may be rendered against anybody without the party having had the opportunity to be heard. This practice entails notifying the defendant of the initiation of proceedings and the main procedural acts. A breach of this principle would render the proceedings void.

Procedures and time frames

Civil and commercial claims must be resolved through either ordinary or oral proceedings.

Ordinary proceedings

Economic claims exceeding €15,000 and some specific matters set out in the Civil Procedure Law, regardless of their economic value (most significantly, challenge of corporate resolutions and protection of honour, personal image and privacy), are resolved through ordinary proceedings.

Once the defendant has answered the complaint and, as the case may be, the claimant does the same with the counterclaim, or the corresponding terms to answer have elapsed, the court will summon both parties to a preliminary hearing to try to settle the dispute by agreement, or, if that is not possible, preparations for trial will begin, allowing both the claimant and the defendant to specify, clarify or rectify their allegations, raise procedural objections and propose evidence.

In the preliminary hearing, the court will decide on the procedural objections raised, accept the corresponding means of evidence and set a trial date.

In the trial, the evidence will be produced (examination of the parties, the witnesses and the experts) and the parties will orally present their closing statements summarising the facts in dispute and the evidence supporting their allegations.

Following the trial, the court will render its judgment.

Oral proceedings

Oral proceedings are used to resolve complaints with a value or economic interest not exceeding €15,000, as well as other actions such as specific injunctive relief actions for the protection of collective and diffuse interests of consumers, some disputes over lease agreements, vacant possession actions, maintenance claims, actions for the rectification of inaccurate harmful data, actions related to matters not included among those reserved for ordinary proceedings and, with certain special procedural features, appeals against decisions in industrial property matters handed down by the Spanish Patent and Trademark Office that exhaust the available administrative remedies.

As in the case of ordinary proceedings, oral proceedings are initiated by filing a complaint with the court. Claims must be answered in writing. Counterclaims in oral proceedings are only accepted in limited cases. Previously, the matters dealt with in the preliminary hearing in ordinary proceedings (submission of evidence, procedural exceptions) were dealt with directly at the hearing in oral proceedings. Since 3 April 2025, with the entry into force of Basic Law 1/2025, evidence must be submitted in writing within the five days following the notification of the answer to the claim. In this period, the claimant must also respond to the procedural exceptions the defendant raises in the answer to the claim. Once all the evidence has been submitted, both parties will have three days to challenge the validity or authenticity of the documents filed. All of these procedural matters, including the need for a hearing, will be decided in a court order that the parties can challenge through a reconsideration appeal.

If the hearing does not take place, the court will render its judgment directly. If the hearing does take place, it will be limited to the practice of evidence and eventually the presentation of oral conclusions if so requested by the parties. For hearings that are scheduled to take place after 3 April 2025, judges may choose to render their judgment orally. If the parties do not express their intention to appeal, the decision will become final. If parties do express their intention to appeal, they will have to notify the court within five days of the hearing having taken place. The 20-day limit to submit the appeal will start from the moment the parties are notified of the judgment in writing.

Summary proceedings

Monitory proceedings are a special type of proceeding available for the repayment of economic debts of any amount. It is a fast-track procedure through which parties seek to obtain an enforceable resolution quickly.

If the debtor does not submit a challenge and fails to pay, the court will issue an order declaring the termination of the summary proceedings, allowing the creditor to seek enforcement and payment of the amount owed. If the debtor submits a challenge, proceedings will continue as ordinary proceedings as described above, unless the amount does not exceed €15,000 or the subject matter is reserved for oral proceedings instead of ordinary proceedings.

EC Regulation 1896/2006 provides for monitory proceedings at the European level. This fast-track procedure is applicable to civil and commercial matters in cross-border cases in which at least one of the parties is domiciled or habitually resident in a Member State (except Denmark) other than the country hearing the action.

Law 15/2015 provides for notarial monitory proceedings for claims of specific economic debts involving any amount (not applicable for claims involving debts arising from a contract between a consumer and a businessperson or professional). At the creditor's request, the corresponding notary public will order the debtor to pay the amount due within 20 working days. If the debtor cannot be located or the debt is challenged, the notarial proceedings will end without prejudice to the creditor's right to claim the debt through judicial proceedings. If the order is made and the debtor fails to pay without challenging the debt, the notarial proceedings will be terminated and the notarial act obtained will constitute an enforceable instrument.

Interim relief

The Civil Procedure Law regulates interim relief, allowing Spanish courts to admit any kind of interim measure to ensure the enforcement of a potential judicial ruling in favour of the petitioner.

The court may allow the requested interim measure provided that:

1. the claimant is able to show that there is a reasonable probability of success on the merits of the case;
2. in its absence there is a real risk that a judgment in favour of the claimant might not be executed (for instance, the assets might be taken abroad or otherwise removed);
3. the measure is appropriate for securing the effectiveness of the resolution; and
4. there are no less harmful measures that may be equally effective in securing the pending final determination of the proceedings.

If the court ultimately allows the measures, the petitioner must provide a bond to cover any potential damage that the adoption of the interim measure may cause to the defendant. The Spanish system on interim measures establishes a strict liability regime, meaning that if the petitioner loses on the merits, he or she will be liable for any damages arising as a result of harm suffered by the defendant because of the measures adopted.

The Spanish Civil Procedure Law does not contain an exhaustive list of these measures, so the petitioner may call for the adoption of any interim measure that will be useful to secure the future judgment.

A request for interim measures is usually submitted to the court together with the complaint, but they may also be requested prior to the filing of a lawsuit. In this case, the petition for interim measures must be filed within 20 working days of the granting of the measures with the court with jurisdiction to render a judgment in the main proceedings. Nevertheless, petitions for interim measures may be admitted after the filing of a lawsuit under exceptional circumstances. If the interim measure is revoked, the petitioner will be ordered to make restitution for any harm caused to the defendant by implementing the measure. The court may allow the defendant to substitute the interim measure for alternative security.

The parties may appeal the court order accepting or rejecting the interim measure. If the order accepts the measure, filing the appeal will not prevent the measure from being enforced.

Appeals on civil matters

Appeals on civil matters are as follows:

1. Appeal for reversal: allows parties to challenge interlocutory decisions issued by judges or court clerks (formerly referred to as judicial secretaries), lodging an appeal heard by the authority that issued the decision.
2. Appeal for review: allows parties to challenge decisions issued by court registrars that state the termination of the proceedings or prevent their continuation, lodging an appeal heard by the judge of the court in charge of the proceedings.
3. Remedy of appeal: final rulings (on the merits of the case, in whole or in part) may be challenged by the party whose claims have been rejected by lodging a remedy of appeal. The appeal will be heard by the provincial court with territorial jurisdiction, which is the court immediately above the first instance court that issued the decision. If both parties are unsatisfied, each may appeal the decision.
4. Cassation appeal: by lodging this appeal with the Supreme Court, parties challenge final rulings issued by provincial courts owing to an infringement of substantive rules or procedural formalities when the appeal has reversal interest^[3] or the proceedings concern specific fundamental rights.^[4]
5. Extraordinary appeals in the interest of law: these may be lodged with the Supreme Court by the public prosecutor, the ombudsman and other public authorities with respect to the interpretation of procedural rules in which the holdings of the civil and criminal chambers of the high courts of justice diverge.
6. Complaint: this allows parties to challenge a court's decision to reject admission of a remedy of appeals or a cassation appeal. The complaint is heard by the court with jurisdiction to hear the rejected appeal.

Judicial fee

The payment of a fixed fee is required from legal persons to initiate specific proceedings in civil or commercial courts.

Class actions

Class actions in Spain are reserved for consumer associations, certain authorised legal entities and other affected groups seeking damages arising from the same matter.

It is understood that only those actions where the issues of fact that underlie each of the actions are sufficiently common could be considered class actions. In any event, there is no express regulation on the requisites with which class actions must comply, such as numerosity, commonality, typicality or adequacy of representation, nor the existence of a certification of class that certifies the fulfilment of such requisites. The draft version of Basic Law 1/2025 included a regulation on class actions that transposed EU Directive 2020/1828. The proposed law implemented an 'opt-out' system under which a class action would represent all consumers unless they had expressly requested to be excluded. But this proposal lacked the backing to be approved and thus was left out of the law. Nevertheless, the pilot case system introduced by Royal Decree-Law 6/2023 of 19 December is a first step towards resolving highly similar claims (concerning general terms and conditions) faster.

The Civil Procedure Law establishes several publicity requirements regarding class actions with the aim of ensuring sufficient protection of the corresponding private interests. The decision could have res judicata effects. Furthermore, any action filed while the class action is litigated could not be admitted in application of the *lis pendens* rule.

Therefore, there is currently no opt-out procedure in Spain and consumers must 'opt-in' to participate in class actions.

Representation in proceedings

Spain has a peculiar representation system. The general rule is that litigants must be represented in proceedings by a court representative, who is an independent legal professional acting as an intermediary between the party and the court, filing the briefs that the party's lawyer prepares and notifying the party of the resolutions issued by the court.

In criminal proceedings, representation by a court representative is optional at the investigation stage but mandatory as from the trial stage.

Service out of the jurisdiction

Within the European Union, service of process between Member States is governed by Regulation (EU) 2020/1784. The system established by this Regulation allows the service of judicial and extrajudicial documents in civil or commercial matters through direct communication between the agencies designated by the Member States (rather than the usual method of transmitting notifications through central authorities).

The applicant who forwards documents to the transmitting agency must translate the document into a language that the addressee understands or into the official language

of the Member State where service is to be effected. The documents are exempt from legalisation or any equivalent formality. The receiving agency should either serve the document itself or have it served within one month, according to the law of the receiving Member State, or by a particular method if this is requested by the transmitting agency and it conforms to the national law. The Regulation also allows for the possibility of direct service by electronic means under specific conditions.

Beyond the European Union, the first serving of an initial claim to a person or company domiciled in one of the countries that has ratified the Hague Service Convention will be dealt with in accordance with the legal system established in that Convention, to which Spain is a party. The Spanish central authority, pursuant to the Convention, would deliver the claim and attached documents to the other country's central authority, which is responsible for passing them on to the defendant together with a translation of both the claim and the attached documents into the official language of the country.

Law 29/2015 on international legal cooperation in civil matters applies in the absence of European regulations or international conventions. It provides for the application of the general principle in favour of international cooperation, according to which Spanish authorities must cooperate with foreign authorities even in the absence of reciprocity (the government may allow non-cooperation with authorities of states that have repeatedly denied cooperation or in which there is a legal prohibition to cooperate). Judicial documents may be served through central authorities or by direct communication between the corresponding courts, or Spanish authorities may serve documents to the final recipient by certified mail or an equivalent means of communication with acknowledgment of receipt or any other guarantee of proof of receipt. Extrajudicial documents may be served through central authorities or a notary. The documents must be translated into a language that the addressee understands or into the official language of the recipient state. Parties may request that the recipient state issue a certificate of completion of service of process and how it has been carried out.

Enforcement of foreign judgments

The recognition and enforcement of foreign judgments are regulated by international treaties, Regulation 1215/2012 in the European Union and Law 29/2015.

EU Regulation 1215/2012

The recognition and enforcement of judgments in civil and commercial matters issued in the European Union countries were governed by Council Regulation (EC) No. 44/2001. The Regulation was applicable to enforce any judgment given by a court or tribunal of a Member State. Enforcement under the Regulation included a two-stage process: first, declaration of enforceability through exequatur proceedings and, second, enforcement under the applicable *lex fori*. This international enforcement model was amended through Council Regulation (EC) No. 1215/2012, which replaced Council Regulation (EC) No. 44/2001 from 10 January 2015. The exequatur proceedings prior to the enforcement of judgments, court settlements and public documents were abolished by the new Regulation. Mutual trust in the administration of justice in the European Union and the aim of making cross-border litigation less time-consuming and costly justify the abolition of the declaration of enforceability prior to enforcement in the Member State addressed.

Law 29/2015 on international legal cooperation in civil matters

Law 29/2015 regulates the recognition and enforcement of foreign judgments. It amends exequatur proceedings previously governed under the Spanish Civil Procedure Law of 1881 that are applicable for the recognition and enforcement of foreign judgments in the absence of a treaty or special regulation. According to Law 29/2015, recognition and enforcement will be granted when the following requirements are met:

1. exclusive domestic jurisdiction is respected;
2. foreign judgments are not contrary to domestic public policy;
3. the parties' rights of defence have been respected;
4. the foreign resolution is not incompatible with a domestic resolution or a previous foreign resolution that is recognised in Spain; and
5. no national proceedings involving the same subject matter and parties were initiated prior to the foreign proceedings.

Law 29/2015 also regulates:

1. the partial and incidental recognition of foreign judgments (in the latter case, the judge conducting the proceedings in which incidental recognition is sought must rule only on the matter for those proceedings);
2. the possibility of amending foreign judgments concerning matters that, by their own nature, can be modified (e.g., resolutions establishing child support payments or protective measures for minors and legally incapacitated adults);
3. the recognition, enforcement and registration of foreign judgments and public documents containing measures not recognised in the Spanish legal system through adaptation to other measures recognised in domestic legislation with equivalent effects and for a similar purpose; and
4. the recognition and enforcement of foreign judgments issued in class action proceedings.^[5]

Assistance to foreign courts

Assistance to foreign courts is governed by several different sets of rules, including the following:

1. Regulation (EU) 2020/1783 on Cooperation between the Courts of the Member States in the Taking of Evidence in Civil or Commercial Matters. The Regulation provides a swift procedure for the transmission of requests for the taking of evidence directly between the courts of all the Member States of the European Union, with the exception of Denmark.
2. The Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters. The system provided in this Convention differs essentially

from that outlined in Regulation (EU) 2020/1783, in that such requests are not transmitted directly from the requesting court to the required court but to the central authority of the state where the evidence is sought. In Spain, that central authority is the Ministry of Justice's General Subdirectorate for International Legal Cooperation.

Spain is also party to many bilateral and multilateral treaties, including the Inter-American Convention on Letters Rogatory.

When no convention or treaty applies, assistance to foreign courts is governed by Law 29/2015 on international legal cooperation in civil matters. Cooperation will be granted pursuant to this framework under the following conditions:

1. the request is not contrary to Spanish public policy;
2. the request is addressed to the Spanish court with authority to perform the taking of evidence;
3. Spanish courts do not have exclusive jurisdiction over the proceedings where evidence sought is intended to be used;
4. the request meets certain content and information requirements established by law; and
5. the government has not ordered non-cooperation with the requesting country (because it may have repeatedly refused to cooperate or this is expressly prohibited in its legal system (see Section III.v)).

Access to court files

In principle, access to court files is restricted to the parties, their lawyers and their court representatives. As a general rule, attendance at trial and access to the judgments is public, except if there are reasons to protect privacy.

In the investigation stage of criminal proceedings, under certain special circumstances (risk of destruction of evidence or of compromising the investigation), a court may keep a file (or a part of it) secret from the parties. The court's decision must be grounded and the secrecy period cannot exceed one month, which is extendable for additional monthly periods by subsequent court orders. Additionally, secrecy must be applied automatically if the judge orders the interception of communications.

Litigation funding

There are no specific legal limits on the funding of litigation by third parties. Although this practice has historically been uncommon in Spain, it is usually reported in international arbitration involving foreign parties and appears in certain litigation cases.

Legal practice

Conflicts of interest and Chinese walls

There are certain Spanish regulations on the protection of information subject to conflicts of interest; however, there are no express regulations on the implementation of Chinese walls in law firms.

In practice, information barriers are a reality in most legal services providers. Chinese walls are allowed and in some cases are even an obligation (including for professional legal services) in accordance with professional codes of practice.

In certain cases, especially in large mergers or acquisitions where both parties wish to be advised by the same law firm, the consent in writing of both parties is requested.

Money laundering, proceeds of crime and funds related to terrorism

Law 10/2010 of 28 April provides unified regulations on the prevention of money laundering and of terrorist financing, which were traditionally regulated separately.

A range of non-financial businesses and professions are subject to Law 10/2010 for the prevention of money laundering, including lawyers and court representatives, when:

1. they take part in the preparation or assessment of any transaction on behalf of their clients for:
 - the acquisition of real property or companies;
 - the management of funds, securities or any other assets;
 - the opening or management of current accounts, savings accounts or securities accounts; or
 - the creation or management of a company, a trust or any analogous structure; or
2. they act on behalf of their clients in any financial or real estate transaction.

Money laundering is deemed to exist regarding any goods derived from any criminal activity, regardless of the punishment foreseen for such activity.

There are three levels of due diligence measures to be adopted depending on the type of client, business relationship, product or transaction, as well as certain other obligations that must be fulfilled.

Law 10/2010 has been amended multiple times since its enactment. In particular, it was:

1. developed by Royal Decree 304/2014 (which establishes stronger due diligence measures and expands the information duties imposed on lawyers and other professionals);
2. amended by Royal Decree 11/2018 (which transposes Directive (EU) 2015/849 of 20 May 2015, establishing additional duties and measures to improve supervision and sanction of infractions, such as the obligation of private parties subject to the law to create internal procedures so that their employees, managers and agents

can communicate – including anonymously – relevant information on potential breaches of this legislation);

3. amended by Royal Decree 7/2021 (which transposes Directive 2018/843 of 30 May 2018, increasing the scope of activities subject to regulation, imposing new due diligence measures and obligations relating to the identification of beneficial ownership in connection with legal persons, greater protection for whistle-blowers and establishing the creation of a single, central register of beneficial ownership under the auspices of the Ministry of Justice);
4. amended by Law 18/2022 (which, among other modifications, allows obliged entities belonging to the same category to create common information systems for the fulfilment of the due diligence obligations set out in Law 10/2010); and
5. recently amended by Royal Decree-Law 5/2023 (which regulates the infringement consisting of the absence of a declaration to the register of beneficial ownership and includes modifications on the access and use of this register to adapt it to the latest European jurisprudence).

From a criminal law standpoint, it is a criminal offence to acquire, process or transfer property in the knowledge that it was obtained as a consequence of a crime; to commit any other act to conceal its unlawful origin; or to assist any person involved in the acts with the aim of avoiding the corresponding legal consequences. It is also a criminal offence to carry out these actions recklessly. Law 10/2010 also makes express reference to evaded tax debts as likely to be used for money laundering. This implies that tax fraud can constitute the illegal origin of money laundering offences and, consequently, the benefits of said tax fraud can constitute the object of a money laundering offence.

Data protection

Data protection in Spain is regulated by the General Data Protection Regulation^[6] and Basic Law 3/2018 on Data Protection and Digital Rights.

It is necessary to provide information to data subjects before the implementation of personal data processing and to base the processing on a legal basis recognised by the applicable regulations (such as prior consent or the existence of a legitimate interest).

The current data protection regulations:

1. recognise the accountability principle, which imposes a proactive responsibility obligation that obliges organisations to establish measures guaranteeing and enabling the demonstration of compliance with the regulations;
2. focus on internal recording obligations, implying that, unless one of the legally established exceptions applies, companies must maintain an internal, written record of the processing activities carried out; and
3. in addition to the traditional rights of access, rectification, cancellation and opposition, recognise and regulate rights such as the right to data portability, the right to be forgotten and the right to oppose profiling activities.

When personal data is to be transferred to a country outside the European Economic Area in which regulations have not been identified by the EU authorities as ensuring an adequate level of protection, the controller must adopt additional safeguards (such as the use of EU standard contractual clauses for data transfers or to obtain data subjects' specific consent for the transfer).

For legal professionals, it is important to fulfil the obligations under data protection regulations, since the provision of legal services implies the processing of personal data.

Documents and the protection of privilege

Privilege

Confidentiality of information exchanged between lawyers and clients is established in the Judiciary Law and in the General Regulation of the Legal Profession.

All lawyers must keep confidential all the facts or information acquired as a result of their professional activity and cannot be required to testify with regard to such facts or information. Confidentiality also extends to communications between lawyers of different parties, which may not be provided to the courts or clients except with the express authorisation of the other professionals subject to confidentiality or when the sender has expressly stated that the communications are not subject to professional confidentiality.

Confidentiality is therefore both a privilege and a legal obligation, encompassing all facts and documents known or received in the exercise of the legal profession. A breach of this obligation could lead to criminal liability as well as sanctions from the Bar Association.

The text of the recent new General Regulation of the Legal Profession expressly recognises professional confidentiality in the case of in-house lawyers. Nevertheless, under EU law, the confidentiality and secrecy of communications for in-house counsel may not apply in situations such as antitrust investigations initiated by the European Commission.^[7]

Production of documents

Under Spanish law, parties may be required to produce any document considered relevant or useful by the court. The Civil Procedure Law establishes that a party may require the counterparty to produce documents unavailable to the former and relating to the subject matter of the dispute or to the effectiveness of the means of evidence.

The test performed by Spanish courts is usually rigorous and the requested document must be directly connected with the dispute. Spanish courts expect the document requested to be specific; in other words, the requesting party must be certain of its existence, and it must refer to that specific, identifiable document and to no other document that relates to the general issue.

Naturally, criminal investigation courts operate under different standards and often request the parties or third parties (banks, telecommunications companies and airlines, etc.) to provide information and documents. This can be done either at the initiative of the

investigating judge or following a request by the public prosecutor, the police or any party to the proceedings.

Decree Law 9/2017 specifically regulates the production of documents applicable only to procedures of claims for damages derived from antitrust infringements. It entitles claimants to request that the judge order the counterparty or third parties to grant access to specific sources of evidence necessary to substantiate the claim. This regulation is governed by the principle of proportionality and does not permit indiscriminate searches of information. The production of documents may be requested before the proceedings commence, at the time of the submission of the claim or while the proceedings are under way. In all cases, production will be ordered only after the claimant has presented sufficient facts and evidence to justify the viability of the claim for damages. The claimant will bear all expenses derived from the proceedings and damages that may rise from an inappropriate use of the sources of evidence obtained by these means or if no claim is filed following the completion of the disclosure.

Pretrial proceedings

The Spanish Civil Procedure Law allows parties to obtain the information necessary to file an action through pretrial proceedings. The basis for these proceedings is that in some cases the future claimant may find it impossible to obtain all the information necessary to file an action without the assistance of judicial authorities. According to the Civil Procedure Law, pretrial proceedings are limited to the following issues:

1. the production of documents or evidence of facts regarding capacity;
2. representation and legal standing;
3. the disclosure of items in possession of the respondent and upon which the trial will be based;
4. the disclosure of wills and other testamentary documentation;
5. the disclosure of accounting documentation of companies and owners associations;
6. the disclosure of insurance policies;
7. the disclosure of medical records;
8. the determination of the members of the group who initiate legal actions for the defence of the collective interest of consumers; and
9. the disclosure of information regarding the origin and distribution of merchandising networks pertaining to disputes involving industrial and IP matters.

In any event, the petitioner must lodge a sufficient guarantee to cover any hypothetical damage that may occur if no action or claim is filed following the completion of pretrial proceedings.

Taking of evidence in advance

The Civil Procedure Law also allows the parties to request that evidence be taken in advance (even before the initiation of legal proceedings) when there is justifiable fear that, owing to the activity of persons or owing to the circumstances, the evidentiary acts may not be carried out at the usual procedural moment.

Alternatives to litigation

Overview of alternatives to litigation

Arbitration and other alternative dispute resolution means are a real and effective channel for settling commercial disputes in Spain. So much so that, under Basic Law 1/2025, ADR has become a requirement for admitting civil and commercial claims. This section provides a brief outline of the current status of extrajudicial mechanisms in Spain, focusing on arbitration, mediation and expert determination.

Arbitration

The Spanish Arbitration Law passed in 2003 established a very favourable legal framework for arbitration. Its main goal was to provide economic agents with an efficient and flexible dispute resolution mechanism, in both the domestic and the international arenas. It was hoped that this would have two positive effects for the legal system: from a domestic perspective, it should relieve the courts of a significant number of cases for which the flexibility of the procedure and the specialisation of the arbitrators prove to be a more appropriate alternative; and from an international perspective, it should promote Spain as a seat of international arbitration. In general, it can be said that the Arbitration Law has fulfilled those expectations.

Spanish awards are immediately enforceable, even if a request to set aside the award has been filed. The Arbitration Law provides that Spanish awards may be set aside only on the following grounds:

1. the arbitration agreement does not exist or is void;
2. the party challenging the award has not been given proper notice or an opportunity to present its case;
3. the arbitrators have ruled on questions not submitted for their consideration;
4. the composition of the arbitral tribunal or the arbitration proceedings has been irregular;
5. the arbitrators have decided on questions that cannot be settled by arbitration; or
6. the award is contrary to public policy.

The action to set aside the award is not an appeal and therefore does not entail a review of the merits of the case. Spanish case law is consistent with this approach, making clear that the scope of review in proceedings to set aside an award is strictly limited to verifying that the essential principles of due process have been observed during the arbitration.

The enforcement of foreign awards in Spain is governed by the New York Convention. Since Spain made no reservation as to its scope of application, the New York Convention governs the enforcement of any foreign arbitration award, even if the place of arbitration is located in a non-signatory state. Spanish courts favour simplicity and expeditiousness when enforcing foreign awards.

The Arbitration Law represents a real breakthrough in developing Spanish arbitration as an efficient alternative to litigation and promoting Spain as an attractive seat for international arbitration, especially in connection with investments and transactions relating to Spanish-speaking countries. Spanish arbitration institutions and practitioners are fully committed to this active arbitration process, leading initiatives to encourage recourse to arbitration in Spain.

Law 11/2011 was passed to amend the Arbitration Law. Two features of the amendment stand out. First, the amended Law retains the fundamental pillar of arbitration: that of party autonomy. Second, to unify case law and guarantee greater legal certainty, the – limited – competence for judicial control of arbitration was concentrated in the high courts of justice. It falls within their authority to hear actions for annulment of arbitral awards rendered in arbitration where Spain is the seat of arbitration and to hear requests for recognition of foreign awards. The role of supporting arbitration (except the judicial appointment of arbitrators) falls to first instance courts: they continue to assist in the taking of evidence, the judicial granting of interim measures and the enforcement of awards.

Mediation

Mediation is expressly regulated as an alternative to judicial proceedings and arbitration by Law 5/2012 on mediation in civil and commercial matters. It incorporates European Parliament and Council Directive 2008/52/EC of 21 May 2008 on certain aspects of mediation in civil and commercial matters into Spanish law. The aim of the Law was to regulate a fast and effective process for solving conflicts, reducing the burden of litigation weighing down Spanish courts.

It is applicable to civil and commercial matters, including cross-border disputes, except as regards rights and obligations that are not at the parties' disposal under the relevant applicable law. This regulation is not applicable to criminal mediation, mediation with public authorities, labour mediation or mediation in consumer matters.

The final agreement or settlement ultimately reached by means of mediation is binding on the parties. It can cover all or only part of the matters subject to mediation. If the parties wish it to be enforceable, the agreement must be converted into a public deed.

On 13 December 2013, Royal Decree 980/2013 was approved, developing specific aspects of Law 5/2012.

Other forms of alternative dispute resolution

Apart from arbitration and mediation, expert determination is considered a valid alternative to litigation in Spain. Expert determination is a flexible procedure for the resolution of disputes based on the decision of an independent third party: the expert. Expert

determination is regarded as especially suitable for factual disputes. Recourse to expert determination is also common in disputes in which a high degree of technical knowledge is required, such as those resulting from construction contracts.

Likewise, confidential binding offers and collaborative law are expressly provided for as ADR mechanisms in Basic Law 1/2025. On the one hand, confidential binding offers are similar to the 'without prejudice' offers institution in common law countries and they consist of offers that a party makes to try to settle a dispute in a confidential manner vis-à-vis a future judge. On the other hand, collaborative law is a negotiation process in which the lawyers involved agree not to represent their clients in court if they are unable to fully or partially settle the dispute.

Outlook and conclusions

The year 2024 was a year of moderate economic growth for Spain, with figures revised upwards in the third quarter of the year and a slight acceleration in employment rates in the fourth quarter. The potential rise in US tariffs suggests growth could slow in 2025. The floods in Valencia on 29 October 2024 had an important social and economic impact. A greater supply of renewable energy, the recovery of the agri-food sector and strengthening of domestic demand may help to mitigate the risks associated with rising global uncertainty.

This year's legislative activity has been marked by the UN 2030 Agenda. Reforms have been introduced to protect digital rights and address cybercrimes such as identity theft, which are on the rise. Laws on environmental sustainability have implemented tax incentives for clean-technology investments and promoted the circular economy.

There has also been a strong push towards higher efficiency in the administration of justice and the protection of the right to defence. ADR will now be a procedural requirement in civil and commercial cases, virtual hearings have become the norm and pilot cases are introduced as a way of efficiently resolving similar legal issues relating to general terms and conditions. A widespread organisational reform is now under way, replacing single-judge courts with district courts and establishing local justice offices with broader powers. The right to defence has been reinforced with a stronger protection of the confidentiality of lawyer–client communications and a greater transparency in terms of legal fees and other legal costs.

International arbitration has also continued to expand (in both commercial and investment arbitrations), consolidating Spain's status as a reference country in the field, especially for disputes involving Latin American parties.

Endnotes

- 1 The General Council of the Judiciary comprises the President of the Supreme Court, who presides over it, and 20 members, 12 of whom are sitting judges and eight of whom are jurists of extensive renown. The General Council must be renewed in full every five years. Its members are appointed by the Congress and Senate by a qualified three-fifths majority. The existence of this qualified majority and the lack of agreement between Spain's two majority parties has resulted in a current failure to renew the Council, whose members will continue to serve until the Council is renewed as publicly reported. [^ Back to section](#)
- 2 As from 1 January 2016, all legal professionals, judicial bodies and public prosecutors must use existing electronic systems – mainly, the Lexnet system – for filing briefs and documents and making judicial communications (Law 42/2015 amending the Spanish Civil Procedure Law). [^ Back to section](#)
- 3 The decision contradicts the Supreme Court's case law, the case relates to a matter on which the case law of provincial courts diverges or the appealed decision applies laws on which there is currently no Supreme Court case law. [^ Back to section](#)
- 4 See Year in Review in relation to the reform of cassation appeals. [^ Back to section](#)
- 5 The resolution will not be applicable to those affected in Spain who have not expressly adhered to the foreign class action if it has not been communicated or published in Spain by means equivalent to those provided for in the Spanish Civil Procedure Law, or those affected in Spain have not had the same opportunities to participate in or to opt out of the proceedings in the foreign state. [^ Back to section](#)
- 6 General Data Protection Regulation, (EU) Regulation 2016/679. [^ Back to section](#)
- 7 See the CJEU's decision in *Akzo Nobel Chemicals Ltd v. Commission*. [^ Back to section](#)

URÍA
MENÉNDEZ

Ángel Pérez Pardo de Vera
Raquel Hazeu González

angel.perezpardo@uria.com
raquel.hazeu@uria.com

Uría Menéndez

[Read more from this firm on Lexology](#)