

**LAW 29/2015 OF 30 JULY 2015 ON INTERNATIONAL COOPERATION IN
MATTERS OF PRIVATE LAW (COOPERACIÓN JURÍDICA INTERNACIONAL EN
MATERIA CIVIL) OFFICIAL JOURNAL 31 JULY 2015**

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Published: International Company and Commercial Law Review, 2015 [Sent September 2015]

1. Spanish Law 29/2015 of 30 July is in force as from 20 August 2015. It is a general law in international cooperation in matters of private law (civil law, commercial law, labour law). The text of the law gathers various aspects of international cooperation but does not derogate rules contained in other special laws (Art. 2b and Additional Rule N.1). Special laws are any laws containing rules of international cooperation that are not derogated by Law 29/2015. There is a non exhaustive list of such special laws in Additional Rule N.1 of Law 29/2015. For instance, Insolvency Law (Law 22/2003 of 9 July 2003) and Arbitration Law (Law 60/2003, of 23 December 2003). There is not a list of previous rules derogated by Law 29/2015 (see *infra* para 3). Moreover, rules concerning international cooperation that are contained in European Instruments of course prevail on the rules of Law 29/2015. For instance Jurisdiction and judgments regulations (Regulation 1215/2012 Brussels I recast), Enforcement order for uncontested claims (Regulation 804/2004). In the same vein, bilateral or multilateral treaties to which Spain is a Party prevail on Law 29/2015.

Therefore, Spanish Law 29/2015 is relevant for UE Member States if there is not a EU Regulation applicable or if there is not a bilateral or multilateral treaty in force in the specific matters. Regarding third States, also bilateral and multilateral treaties prevail on Law 29/2015.

2. The most general principle in Law 29/2015 is favoring international cooperation (Art. 3.1, worded in a rather confusing language). Cooperation does not prejudice international jurisdiction of foreign authorities nor presupposes recognition or enforcement of the relevant foreign decision (Art. 6). Denial of cooperation based on lack of reciprocity by foreign authorities requires a Governmental Decree (art. 3.2). Denial for general such general reasons is not left within the powers of the Judiciary or other Spanish authorities, but the Law list the reasons for denial that may apply to a particular case (Art. 14). Moreover, cooperation must be carried expeditiously following “principles” of flexibility and coordination (Art. 3.4). The law allows for direct communication among Spanish and foreign authorities, with no intermediaries (Art. 4). Nevertheless, the Spanish Department of Justice is the Spanish Central authority in matters of cooperation (Art. 7) and has the duties listed in Art. 8 (for instance, transmission of petitions of cooperation). General procedural aspects of cooperation (contents of petitions, forms of transmission, cost, etc.) is regulated with some detail in Chapter I of Title I (Articles 5-19).

Title I of Law 29/2015 encompasses general rules on international cooperation. Chapter I of Title I just referred is composed of the common rules, while Chapter II (Arts. 20-27) and Chapter III (Arts. 28-) are devoted respectively cooperation in the matter of transmission and service of judicial and extrajudicial documents and Chapter IV (Arts. 29-32) to is devoted to the cooperation in the matter of taking of evidence. Models for this legal structure are well known for international operators: European Regulation on service 1393/2007 and 1965 Hague Convention (service of documents) and European Regulation on evidence 1206/2001 and 1970 Hague Convention (taking of evidence).

A very short Title II (Art. 33) has some rules on the proof of foreign law in the procedure: means of proof (Art. 31.1), value of the proof (Art. 33.2 and 4) and authorization to apply Spanish law when foreign applicable law has not been proved (Art. 33.3). This is a matter for civil procedure laws and Law 29/2015 is hardly the place for such rules, that partly codify the doctrine of the Spanish Supreme Court in a procedural matter, already (partly) dealt with in the Law 1/2000 on civil procedure. What is properly a matter for a law on international cooperation is the cooperation concerning the information on foreign law. This is dealt with in Title III (Arts. 34-36).

Law 29/2015 indulges again in procedural matters in Title IV, concerning *lis pendens* and related actions (Arts. 37-40). This is inspired in the new regime of Regulation Brussels I Recast concerning *lis pendens* and related actions vis a vis third States.

3. The essential part of Law 29/2015 is Title V (Arts. 41-68) on recognition and enforcement of foreign judgments. This matter is the only exception to the lacking list of previous rules derogated by Law 29/2015, for this law expressly derogates the rules on recognition and enforcement of Law of civil procedure of 1888 that were kept in force by the current Law 1/2000 of civil procedure. Although most part of the new regulation is again a procedural matter as well as the codification of Spanish Supreme Court procedural doctrine, the new rules are more detailed and systematic: Chapter I on general rules (Arts. 41-43), where provisional measures enter the field of judgments entitled to recognition and enforcement; Chapter II on recognition (Arts. 44-49), where grounds for not recognition worded in contemporary terms are recast (Art. 46) and incidental recognition is enabled (Art. 44.2); Chapter III on enforcement (Arts. 50-51); Chapter IV on the procedure of recognition and enforcement (*exequatur*); Chapter V (Arts. 56-57) on the enforcement of foreign public documents; and Chapter VI (Arts. 58-61) regarding registration in public registries of foreign judgments and public documents.

4. Finally, Law 29/2015 amends particulars of several other Spanish laws. This includes complements in Law 1/2000 on civil procedure, where new sections are added, among others, to implement in Spain Regulation Brussels I recast (Final rule N. 2).

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