



The effects of Brexit on the recognition and enforcement of resolutions in Spain

Since last January 1st, 2021, the United Kingdom is no longer part of the European Union has generated, among others, changes in the applicable procedure to recognize and execute the judicial resolutions in Spain.

For the countries that are part of the European Union, the following recognition and enforcement regulations apply depending on the matter:

- Regulation (EU) No 1215/2012 (Brussels I bis).
- Regulation (EU) No 2201/2003.
- Regulation 4/2009.
- Regulation 805/2004.

However, the European Union and United Kingdom signed a Withdrawal Agreement that in its article 67 establish that the Regulation 1215/2012 will continue to apply for those procedures initiated before the end of the transitional period, although the sentence is passed one it is finished.

On the other hand, those procedures initiated after January 1st, 2021 that we want to execute in Spain, must be carried out through Regulation 29/2015 Exequatur.

Consequently, when we have the British that we want to execute or recognized in Spain, the Spanish Courts must request the exequatur of the decision, and, once we have it, the execution or recognition procedures may be initiated based on to Spanish procedural legislation.

Also, the United Kingdom ratified the Hague Convention of 30 June 2005 on Choice of Forum Agreements, applying since last January 1st 2021. Therefore, if the resolution to be recognized an executed had been issued by a particular Court chosen by the parties, the rules of this shall apply.

However, said Convention refers to the internal regulations of the State to request recognition and enforcement, which, in the case of Spain, requires prior processing of the exequatur procedure.

You can consult the article prepared by ESCURA in which we explain the exequatur procedure at the following link: [Consult the article](#)

