

Solicitors in Spain

Spanish legal services in plain English



www.solicitorsinspain.ie

lawsp@irl353.com

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Experts in the following areas of Spanish Law, providing you a first class service in plain English

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- ❑ **Civil Law Issues**
 - ❑ Spanish Wills & Inheritance issues
- ❑ **Criminal Law Issues**
- ❑ **Spanish Property Law**
 - ❑ Spanish property check & Title deed insurance
 - ❑ Spanish planning infractions
- ❑ **Spanish Labour Law & Issues**
 - ❑ Contracts
 - ❑ Wrongful dismissals
 - ❑ Labour exploitation
- ❑ **Spanish Family Law Issues**
 - ❑ Marriage & Divorce issues
- ❑ **Doing Business in Spain**
 - ❑ Company incorporations
 - ❑ Accountancy in Spain

Why Solicitors in Spain?

Legal Issues in Spain or Legal Problems in Spain, can manifest in just about every part of everyday life.

Before you get to Spain you may wish to seek advice on:

- Residency issues and NIE matters
- Employment contracts
- Property issues – purchasing or renting.
- Bank issues

Once in Spain you may need assistance with:

- Purchasing a property
- Residency
- Wills and Inheritance
- Motoring issues
- Family or personal issues
- Employment issues
- Civil disputes, neighbours, rights of way etc.
- Criminal issues

Solicitors in Spain place your query direct to the legal professional qualified to provide guidance specifically for your issue.

All legal professionals engaged by the DMG Law Office are independent and work ONLY in the legal profession. They are fully bi lingual (at least 2 languages) and are registered with the appropriate **Colegio de Abogados** (Bar Association).



For any Legal problems or legal issues in Spain that may concern you please contact the Solicitors in Spain Law Office at lawsp@irl353.com

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Doing business in Spain.

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Invest in Spain.

- Now more than ever Spain offers opportunities for new business start ups or to businesses wishing to relocate, Barcelona city has been the number one choice for some time with the seaport location and good local, national and international infrastructure.
- There are currently incentives available in certain business sectors to encourage inward business traffic and to assist with the start up and set up costs -there are excellent opportunities to rent or purchase commercial property in Spain and of course a private residence
- There is a highly skilled, highly qualified and motivated workforce and in these recessionary times commercial property leases and purchases can be keenly negotiated. Start up costs are lower and salaries and pay lower than many other equivalent EU countries, there are now generous tax incentives and grant assistance in certain regions for qualifying businesses - and of course the lifestyle factor is a keen plus point, Spain is the second most visited EU country (after France).
- **Solicitors in Spain** Law Office can assist you in your business start up in Spain.
 - Company incorporations
 - Accountancy
 - Property contracts, property leases.
 - Employment contracts
 - Grant projects

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Setting up a company in Spain with your legal partners – Solicitors in Spain

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□ **Your choice of trading style in Spain is important.**

- The DMG Law Office can advise upon business start up, trading styles, expansions, incorporation of companies and associated matters. Trading styles in Spain are in keeping generally, with those of other OECD countries, and starting up a business is generally a simple matter. There is a choice of the following trading styles to select from, in accordance with your specific needs (information provided from official government sources):
 - **Corporation (S.A.)**
 - **European Company (S.E.)**
 - **Limited Liability Company (S.L.)**
 - **New Business Limited Company (S.L.N.E.)**
 - **Professional Company (S.P.)**
 - **Branch Representative Office**

To accelerate the economic recovery in Spain there are several measures in place –official government information on tax breaks and assistance, available from the Solicitors in Spain Law Office - offering advice and practical solutions to assist you with your enterprise in Spain

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Accountancy Issues - personal or corporate - **Solicitors in Spain** we bridge the language divide with expert legal advisors, providing a first class legal service in plain English

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□ Accountancy and tax issues are complicated...

- In ones mother tongue and even more so in a 'foreign' languages. It is **crucially** important that you can communicate with your **gestor** (*accountant*) in order to benefit fully and be in a position to guide your business through the minefield that is tax and accountancy.
- One matter that you may discover is the payment system to the gestor in Spain is very different from what you may have been used to. In general gestors will debit your bank account on a monthly basis and you should budget at least 250 euros per month for this service.
- The gestor will provide you with a contract for the services provided – you will need to confirm that you are in accord and then agree the contract. The gestor then proceeds upon your instruction to deal with your three monthly IVA returns (VAT / TVA), all issues concerning employees and taxes paid for social contributions for you and / or any employees.
- The gestor will be responsible for all your statutory books and forms and of course the end of year accounts that have to be filed within 6 months of the end of the trading year.

The Solicitors in Spain Law Office has a dedicated panel of linguistic gestors to assist you.

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Wills, Inheritance & Family Issues

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Family law, inheritance law and Wills are a complex area of Spanish law and require professional guidance to ensure that you protect the rights of you and your family and protect your assets for your family and beneficiaries. You may feel that your Will made in a country outside of Spain will suffice for inheritance issues, but it is highly recommended to make a Spanish Will to cover any property or assets you have in Spain. Wills can take three formats and can be made by any person over the age of 14 years providing they have the mental capacity to prepare such a document:

- **Holographic**
 - Entirely handwritten by testator and signed and dated on each page
 - Verified as the genuine article before a Judge with the testaments of the two closest relatives testifying the handwriting as genuinely that of the testator
 - Once verified a Judge will allow the enforcement of the Will.
- **Open Will**
 - The more usual format for a Will in Spain
 - This is made before a Notary who keeps the original and sends a notification to the **Registro Central de Última Voluntad** (*Central Registry for Spanish Wills*).
 - In certain circumstances the Notary may request the presence of two witnesses.

- **Closed Will**
 - This is where you keep the provisions of your estate secret
 - You will require to attend the Notary who will ask whether you have written the Will yourself or whether it was prepared for you by a third party
 - The Notary will ask of you whether the Will has been signed by you or a third person on your behalf
 - The Notary will seal the envelope and file it and notify the **Registro Central de Última Voluntad** (*Central Registry for Spanish Wills*).
 - There are limitations to those people who are entitled to make **Closed Wills**.
- **Revocations & Changes**
 - Wills can always be revoked or amended – this can be carried out in the same manner in which they were made
 - The person should be in the same mental capacity as for making a Will
 - Should there be more than one Will, the last Will made would be valid (provisions as above apply)

Family Issues are as complex as Families – always seek qualified legal advice, Solicitors in Spain Law Office have dedicated professionals who can assist.

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Labour and Work issues can be extremely diverse, so if you feel that your working conditions or contract is being compromised- contact a lawyer.

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The following information is intended as a guideline only, always seek legal advice. To work in Spain legally, you should possess the relevant residency criterion, which will differ according to your origin:

- **EU Nationals** – can enter Spain and register with the Instituto **Nacional de Empleo** (*labour Office*) or regional labour agency to find work – you have 90 days in which to do this. If you find work you have to apply for your Residence card.
- **Non EU Nationals** – To enter Spain a Visa and valid passport are required, in addition a contract or offer of work in Spain – in the form of a pre contract signed by both parties or letter from the prospective employer. Once in Spain the non EU national would be required to obtain a residency permit.
- **Employment contracts** will invariably be in Spanish and should:
 - Details of employer and employee
 - Length of contract with specific commencement date
 - Description of working conditions
 - Place of employment
 - Hours
 - Rate of pay
 - Type of contract
 - Professional capacity
 - Whether there is a trial period
 - Holiday allowance
 - Dismissal policy
 - possibility to renegotiate new contract
- Both parties receive a copy of the contract.
- **Working conditions vary but basic rights include:**
- **A standard working week of 40 hours**, although this can vary according to occupation
- **Standard weekly rest period** should be one and a half days (2 days for minors) - although this varies according to occupation
- **Standard day** is said to be 9 hours with a minimum period of rest between working days of 12 hours
- **Horas extraordinarias** (*overtime*), banned for minors and restricted by law to 80 hours annually unless otherwise negotiated under the collective bargaining procedure where the workers are compensated by a prescribed means – time off in lieu or financial compensation.
- **National holidays** – 14 days annually – two off these are local fiestas.
- **Vacations** – dependent upon what is prescribed by the collective bargaining of the profession this is stated as 30 paid days annually.
- **Salaries** are paid monthly – generally with two extra payments in June and December.

With a myriad of legal possibilities – If you feel that you or the contractual obligations you have signed up to have been compromised it is imperative to obtain sound legal advice - contact **Solicitors in Spain Law Office**.

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Partnering you through your personal and business integration into Spain.

