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Claims Against Spanish Hotel Groups

Jurisdiction, Applicable Law & Cross-Border Litigation Strategy

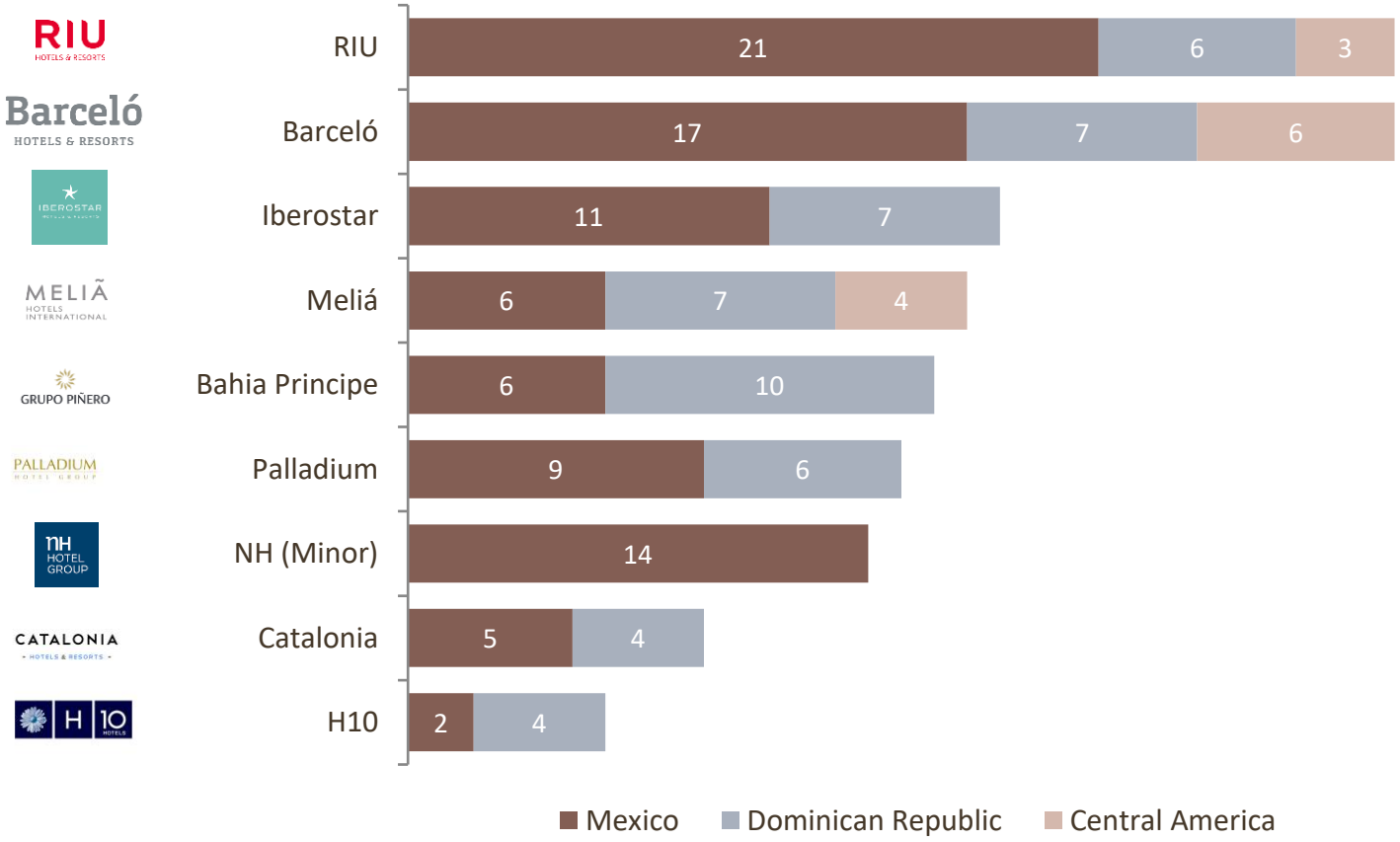
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Spanish Hotel Groups Across the Americas



Key Insights

- In 2025, the Caribbean and Mexico welcomed approximately 83 million international tourist.
- Spanish hotel groups have a particularly significant presence in the region: 270 hotels & 113,000 rooms.
- Mexico is a major market for Spanish hotel groups, including RIU and Barceló.
- Their Central American presence extends to Costa Rica, Panama, Guatemala and Nicaragua.

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The Spanish Connection: Corporate Domicile

Palma de Mallorca	Meliá · RIU · Iberostar · Barceló Grupo Piñero (Bahia Principe)
Ibiza	Palladium Hotel Group
Barcelona	H10 Hotels · Catalonia Hotels & Resorts
Madrid	NH Hotel Group



Jurisdictional relevance

Article 63, Brussels I bis: domicile is the registered office, central administration or principal place of business.

Arts. 4 and 63 may permit proceedings in Spain against a Spanish-domiciled defendant.

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Typical Hotel Liability Claims

Slips, trips and falls

Slippery floors, wet pool decks, poorly maintained stairways, inadequate lighting and unmarked changes in floor level

Pools and beaches

Drowning incidents, diving-related injuries, inadequate lifeguard supervision, insufficient depth markings and hazardous sea conditions in water activities.

Balconies and structures

Falls from balconies with low railings, glass doors, collapsing fixtures and/or falling objects.

Food and water illness

Gastroenteritis outbreaks, contaminated water or ice and salmonella infections.

Excursions and water sports

Jet-skis, boats, zip-lines and tours run by third-party providers sold at the hotel.

Security and alcohol

Assaults, sexual assault by staff or guests, incidents linked to adulterated alcohol.

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Who is the proper defendant?

Separate the contractual relationship from the entity responsible for the accident

Contracting entity

Booking confirmation, terms and conditions, invoice and payment recipient

Operating entity

Hotel licences, local registry, incident report, employment and maintenance records

Spanish group company

Corporate register, management agreements, safety manuals, audit / control evidence

Insurer and insured

Policy schedule, named insureds, coverage territory and direct-action rules

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Hotel operating models

The brand, the hotel owner and the defendant may be three different entities

Owned and operated

The same company owns the property and runs the hotel; verify the contracting entity and place of incorporation.

Lease / operating lease

An operator runs the hotel under a lease; property ownership alone may not determine responsibility for guest safety.

Management agreement

A hotel management company manages operations for the owner; investigate actual control over safety, staff and maintenance.

Franchise / brand licence

A local company uses the group brand; branding alone does not establish the franchisor’s liability.

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Which rules can give Spanish courts jurisdiction?

EU · PRIMARY ROUTE

Brussels I bis · Regulation 1215/2012

Arts. 4 and 63: Spanish domicile of the defendant. Arts. 17–18: consumer contracts, if their conditions are met.

EU · OTHER ROUTES

Special jurisdiction

Art. 7: contractual / tort gateways only where connecting factors exist. Arts. 8 and 11–13: co-defendants / insurance, subject to conditions.

SPAIN · RESIDUAL ROUTE

LOPJ · Arts. 22 et seq.

Where EU / treaty rules do not govern: Spanish international jurisdiction rules; examine defendant domicile and specific connecting factors.

INTERNATIONAL · WHERE RELEVANT

Conventions / bilateral treaties

Lugano 2007 for covered EFTA relationships; applicable international conventions and treaties take priority where in force and within scope.

Caution: a Spanish court's jurisdiction does not make the Spanish parent liable, nor does it necessarily make Spanish substantive law applicable.

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From corporate map to viable Spanish claim

A practical sequence before issuing proceedings:

1	**Map the group**	Identify owner, operator, booking entity and Spanish parent.
2	**Test jurisdiction**	Start with Arts. 4/63; assess consumer and insurance routes.
3	**Establish a cause of action**	Identify a contractual duty or the Spanish entity's own negligent conduct.
4	**Preserve evidence**	CCTV, incident reports, witnesses, management and safety records.
5	**Check governing law**	Rome I / Rome II, foreign-law proof, limitation and quantum.

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The Accommodation Contract: Duties and Liability

Contractual duties, safety obligations and the applicable legal framework

Contractual scope

Accommodation and associated services, including meals, cleaning and luggage storage.

Duty of care

Take reasonable measures to protect guests against foreseeable harm.

Safety requirements

Comply with applicable statutory and regulatory requirements; diligence depends on persons, time and place.

Spanish legal framework

If Spanish law applies: Arts. 1101, 1104 and 1258 CC; Arts. 1902–1903 CC; and, where relevant, Arts. 128 and 147 TRLGDCU.

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Applicable Law and Proof of Foreign Law

Art. 281.2 LEC

Foreign law must be proved as to its content and validity; the court may use any means of inquiry it considers necessary. The burden lies on the party that relies on it.

SUFFICIENTLY PROVED

The court applies the foreign law

Content, validity and interpretation established, typically through a local lawyer's expert opinion with certified legislation and case law.

NOT PROVED OR INSUFFICIENTLY PROVED

Spanish law may apply exceptionally

Where foreign law cannot be established, Article 33(3) of Law 29/2015 exceptionally permits recourse to Spanish law; this is not an automatic strategic choice.

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Limitation Periods and Interruption

Limitation and its interruption follow the applicable substantive law (Art. 15(h), Rome II)

Law of the place of injury

For tort claims, Rome II generally points to the country where the direct damage occurred (Art. 4).

Spanish tort claims

Generally one year (Art. 1968(2) CC), usually from when the definitive extent of personal injury can be ascertained.

Spanish contractual claims

Generally five years from when performance may be demanded (Art. 1964(2) CC).

Practical check

Confirm classification, accrual date, governing law, local limitation rules and any effective interrupting act.

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Case Study | Fatal Electrocution at Dominican Republic

The family holiday

Mr F, a US citizen, was staying with his family, including his parents, two sisters, brother-in-law and four nephews and nieces.

The accident

One evening, Mr F and his brother-in-law sat beside a fountain. Mr F put his feet in the water to cool down, unaware of its unsafe condition.

Fatal consequences

Mr F was electrocuted and died at the scene. His brother-in-law witnessed the accident and could not save him.





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From Evidence to Proceedings

US–Spain co-counsel agreement

We were approached by the US firm representing the family and agreed to pursue the claim in Spain, formalising a Co-Counsel Agreement.

Evidence gathered by US counsel

Conditions at the accident scene and cause of death; witness evidence in the US; and evidence on quantum.

Negotiations and Spanish proceedings

We began negotiations with the Hotel´s representatives, initially without success. Proceedings were issued in Spain against the hotel owner company, based on its registered address in Spain.

Issues disputed by the Hotel

Jurisdiction; standing to be sued; applicable law; liability; and quantum.

Out of court agreement finally reached on a contributory negligence basis. (75% vs 25%).

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Case Study | Child Injured in Hotel Shuttle Accident

The hotel shuttle

A three-year-old guest was travelling with her parents on a hotel-operated golf cart.

Unsafe vehicle conditions

The cart had no seat belts and was towing an additional passenger carriage.

The accident

A sudden manoeuvre caused the child to fall from the cart. A wheel then ran over her head.



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Case Study | Serious Injury and Continuing Sequelae

Initial injuries

Complex multifragmentary skull fracture, left-sided cranial haematoma and cerebral oedema.

Treatment

Hospital admission and surgical reconstruction of the parieto-occipital bones.

Continuing consequences

Visual impairment and strabismus requiring specialist follow-up; corrective surgery was planned.



Residual surgical scar (follow-up photograph)

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Evidence gathered by US counsel

Conditions at the accident scene and cause of death; witness evidence in the US; and evidence on quantum.

Spanish proceedings

Preliminary Proceedings were issued in Spain against the hotel owner company to obtain the policy disclousure.

Negotiations

We began negotiations with the Hotels representatives and an out-of-court agreement was recently reached.

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International Co-Counsel: Dividing the Work

Local / originating counsel	Client and family contact, witness statements, medical and financial evidence, quantum.
Spanish counsel	Corporate and insurance investigation, jurisdictional assessment, pre-action negotiations and proceedings in Spain.
Engagement terms	Agree scope, reporting, disbursements, fees and allocation of responsibilities at the outset.

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Litigation in Spain | Opportunities and Risks

WHY SPAIN?

Solvent liable defendant and assets in Spain; potential direct action and insurer interest.

LEGAL RISKS

Foreign law may govern liability, quantum and limitation; a Spanish parent is not automatically liable for a local operator; parallel proceedings may justify a stay.

PRACTICAL RISKS

Evidence and witnesses abroad; translation and expert costs; potential adverse costs under Art. 394 LEC; delays and enforcement considerations.

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Key takeaways

A Spanish connection may open a forum — not guarantee liability.

Domicile opens the door

Article 4 Brussels I bis may establish jurisdiction over a properly identified Spanish-domiciled defendant.

Foreign law must be proved

Rome II generally points to the place of damage; Spanish law is only an exceptional fallback where foreign law cannot be established.

Spain is often the strategic forum

Entity identification, applicable law, evidence and enforceability should guide forum and settlement strategy.

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Questions & Discussion

Thank you for your attention.

What is happening in your jurisdictions?
Are your clients injured at resorts abroad suing at home, in the resort's country, or in Spain? How do your courts treat forum non conveniens?

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