

## *Treaties to which Spain is a Party Concerning Matters of Public International Law, 2010*

The materials have been selected, compiled and commented on by a team from the Department of Public International Law of the University of Malaga, which includes David Márquez Botella, Andrés Bautista Hernáez, Pedro Expósito González and Carolina Jiménez Sánchez (Research Fellows of Public International Law), Dr. Elena del Mar García Rico, Dr. Magdalena M<sup>a</sup>. Martín Martínez, Dr. Eloy Ruiloba García, Dr. Ana M. Salinas de Frías and Dr. María Isabel Torres Cazorla, Lecturers of Public International Law. This section has been co-ordinated by Dr. María Isabel Torres Cazorla.

This survey includes the treaties covered by Art. 2.1 a) of the Vienna Convention on the Law of Treaties, published in the *Boletín Oficial del Estado* (Official Journal of the State). Its purpose is to record the legal effects of these instruments, such as ratification or accession, municipal entry into force, provisional application, reservations or declarations, territorial application, termination and abrogation. In a few instances some relevant articles or references are reproduced in an unofficial translation.

### **I. INTERNATIONAL LAW IN GENERAL**

### **II. SOURCES OF INTERNATIONAL LAW**

### **III. RELATIONSHIP BETWEEN INTERNATIONAL AND MUNICIPAL LAW**

### **IV. SUBJECTS OF INTERNATIONAL LAW**

### **V. THE INDIVIDUAL AND INTERNATIONAL LAW**

#### **1. Human rights**

– Resolution dated 16 February 2010, of the Technical Secretariat-General of the Ministry of Foreign Affairs and Cooperation, on the objection to the interpretative declaration made by Thailand upon ratification of the Convention on the Rights of Persons with Disabilities, done at New York on 13 December 2006 (*BOE* n. 52, 01.03.10).

*Note:* “The Government of the Kingdom of Spain has examined the interpretative declaration made by Thailand upon its ratification of the Convention on the Rights of Persons with Disabilities, relating to article 18 of that international instrument.

The Government of the Kingdom of Spain believes that this interpretative declaration constitutes a reservation that makes the application of article 18 of the Convention subject to conformity with the national laws, regulations and practices. Thailand has formulated a reservation that makes it unclear to what extent it considers itself bound by the obligations of article 18 of the Convention, and this calls into question Thailand's commitment to the object and purpose of the Convention as regards the rights associated with liberty of movement and nationality.

The Government of the Kingdom of Spain recalls that, by virtue of article 46, paragraph 1, of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted. Consequently, the Government of the Kingdom of Spain objects to the interpretative declaration by Thailand relating to article 18 of the Convention on the Rights of Persons with Disabilities.

This objection does not preclude the entry into force of the Convention between Spain and Thailand".

– Resolution dated 16 February 2010, of the Technical Secretariat-General of the Ministry of Foreign Affairs and Cooperation, on the objection to the reservation made by Qatar upon its accession to the Convention on the Elimination of All Forms of Discrimination against Women, done in New York on 18 December 1979 (*BOE* n. 53, 02.03.10).

*Note:* "The Government of the Kingdom of Spain has examined the reservations made by Qatar upon its accession to the Convention on the Elimination of All Forms of Discrimination against Women with respect to article 9, paragraph 2, article 15, paragraphs 1 and 4, and article 16, paragraph 1 (a), (c) and (f) of the Convention, as well as the declarations made with respect to articles 1 and 5 (a) of the Convention.

The Government of the Kingdom of Spain believes that the aforementioned declarations relating to articles 1 and 5 (a) have no legal force and in no way exclude or modify the obligations assumed by Qatar under the Convention.

The Government of the Kingdom of Spain believes that the reservations made with respect to article 9, paragraph 2, article 15, paragraphs 1 and 4, and article 16, paragraph 1 (a), (c) and (f) are incompatible with the object and purpose of the Convention, since their intent is to exempt Qatar from committing itself to the elimination of specific forms of discrimination against women in such areas as nationality, equality with men before the law, free movement and residence, the right to enter into marriage, the matrimonial regime and filiation rights. These reservations affect essential obligations arising from the Convention and their observance is necessary in order to achieve the purpose of the Convention.

The Government of the Kingdom of Spain recalls that, according to article 28, paragraph 2, of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Kingdom of Spain also believes that the reservations made by Qatar, which are based on inconsistency with Islamic law and incompatibility with existing domestic legislation, to which a general reference is made without specifying their contents, in no way excludes the legal effects of the obligations arising from the relevant provisions of the Convention.

Accordingly, the Government of the Kingdom of Spain objects to the reservations made by Qatar with respect to article 9, paragraph 2, article 15, paragraphs 1 and 4,

and article 16, paragraph 1 (a), (c) and (f) of the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and Qatar”.

– Iberoamerican Convention on Rights of Youth, done at Badajoz on 11 October 2005.

*Instrument of ratification:* 6.11.07

*Entry into force:* 1.03.08, entry into force between Costa Rica, Honduras, Ecuador, Dominican Republic and Spain (*BOE* n. 67, 18.03.10).

– Protocol n. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances (CETS n. 187), done at Vilnius, on 3rd May 2002.

*Instrument of ratification:* 27.11.09

*Entry into force (for Spain):* 1.04.10 (*BOE* n. 77, 30.03.10).

*Note:* with the following declarations of Spain:

“If this Protocol were to be extended by the United Kingdom to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Protocol will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs.”

– Resolution dated 29 March 2010, of the Technical Secretariat-General of the Ministry of Foreign Affairs and Cooperation, on the objection to the reservation made by the Republic of Korea upon ratification of the Convention on the Rights of Persons with Disabilities (published in the “Boletín Oficial del Estado” n. 96, on 21 April 2008), done at New York on 13 December 2006 (*BOE* n. 85, 08.04.10).

*Note:* “The Government of the Kingdom of Spain has examined the reservation formulated by the Republic of Korea when it ratified the Convention on the Rights of Persons with Disabilities with regard to article 25 (e) of this international treaty.

The Government of the Kingdom of Spain considers that the Republic of Korea has formulated a reservation which does not permit clear determination as to the extent to which the Republic of Korea has accepted the obligations under article 25(e) of the Convention, which raises doubts as to the commitment of the Republic of Korea to the object and purpose of the Convention in relation to the non-discriminatory, fair and reasonable provision of life insurance.

The Government of the Kingdom of Spain recalls that, under article 46.1 of the Convention, reservations incompatible with the object and purpose of the Convention are not acceptable.

Consequently, Spain objects to the reservation formulated by the Republic of Korea in relation to article 25(e) of the Convention on the Rights of Persons with Disabilities.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and the Republic of Korea.”

This objection made by Spain was deposited with the United Nations Secretary-General on 3 December 2009.

– Protocol n. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the Control System of the Convention, done at Strasbourg on 13 May 2004.

*Instrument of ratification:* 3.03.06

*Entry into force:* 1.06.10 (BOE n. 130, 28.05.10).

*Note:* With reference to the agreement reached at the Conference of the High Contracting Parties to the European Convention on Human Rights, in Madrid on 12 May 2009, the Kingdom of Spain declares that it accepts, in its respect, the provisional application of the provisions regarding the new single judge formation and the new competence of the committee of three judges contained in Protocol No. 14, according to the modalities set out in document CM (2009) 71 rev2.

– Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, done at Lanzarote on 25 October 2007.

*Instrument of ratification:* 22.07.10

*Entry into force (for Spain):* 1.12.10 (BOE n. 274, 12.11.10).

*Note:* With the following declarations by Spain:

“If the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse, dated 25 October 2007, were to be applied to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Convention will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs.

4. The process provided for by the Arrangements relating to Gibraltar authorities in the context of certain international treaties (2007) which have been agreed by Spain and the United Kingdom on 19 December 2007 (jointly with the “Agreed Arrangements relating to Gibraltar authorities in the context of EU and EC instruments and related treaties”, dated 19 April 2000) apply to this Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse.”

“Spain designates as the national authority responsible for the implementation of Article 37, paragraph 1, of the Convention:

Sub-Directorate General for Administrative Archives in Support of Judicial Activity  
(Sous-Direction Générale des Registres Administratifs de Soutien à l’Activité Judiciaire)

Directorate General of Modernization of Judicial Administration of the Ministry of Justice

(Direction Générale de Modernisation de l’Administration Judiciaire du Ministère de la Justice)

Calle San Bernardo, 19, 28071 Madrid”.

## 2. Aliens

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and the Republic of Ecuador concerning the participation in municipal elections of nationals of each country residing on the territory of the other country, done at Quito on 25 February 2009.

*Entry into force:* 1.01.10 (BOE n. 4, 5.01.10).

– Agreement between the Kingdom of Spain and New Zealand on the participation in certain elections of each country’s nationals resident in the territory of the other country, done at Wellington on 23 June 2009.

*Entry into force:* 1.01.10 (BOE n. 5, 6.01.10).

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and the Republic of Colombia on the participation in municipal elections of nationals of each State residing on the territory of the other State, done at Madrid on 5 February 2009.

*Entry into force:* 1.01.10 (BOE n. 18, 21.01.10).

– Exchange of Notes dated 12 May 2009 constituting an Agreement between the Kingdom of Spain and the Republic of Chile on the participation in municipal elections of nationals of each State residing on the territory of the other State.

*Entry into force:* 1.02.10 (BOE n. 35, 09.02.10).

– Exchange of Notes dated 6 February 2009 constituting an agreement between the Kingdom of Spain and the Republic of Peru concerning the participation in municipal elections of nationals of each country residing on the territory of the other country.

*Entry into force:* 1.06.10 (BOE n. 122, 19.05.10).

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and the Republic of Paraguay on participation in municipal elections by nationals of one country resident in the territory of the other, done at Madrid and Asunción on 13 May 2009.

*Entry into force:* 01.06.10 (*BOE* n. 150, 21.06.10).

– Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (CETS n. 181), done at Strasbourg, on 8th November 2001.

*Instrument of ratification:* 20.05.10

*Entry into force (for Spain):* 1.10.2010 (*BOE* n. 228, 20.09.10).

*Note:* with the following declaration by Spain

“If the Additional Protocol were to be extended by the United Kingdom to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Protocol will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs”.

– Convention on the issue of a certificate of nationality, done at Lisbon on 14 September 1999.

*Instrument of ratification:* 16.07.10

*Entry into force (for Spain):* 1.12.10 (*BOE* n. 271, 09.11.10).

*Note:* with the following declarations of Spain:

“If the present Convention were to be applied to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Convention will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs.

4. The process provided for by the Arrangements relating to Gibraltar authorities in the context of certain international treaties (2007) which have been agreed by Spain and the United Kingdom on 19 December 2007 (jointly with the “Agreed Arrangements relating to Gibraltar authorities in the context of EU and EC instruments and related treaties”, dated 19 April 2000) apply to this International Commission on Civil Status Convention n° 28 on the Issue of a Certificate of Nationality.”

Declaration in relation to Article 6.1:

“In accordance with Article 6.1 of the Convention, the competent authorities in Spain to issue the certificate of nationality are the municipal or consular responsible of the Civil Register of the place of residence”.

Declaration in relation to Article 12.3:

“In accordance with Article 6.1 of the Convention the competent Spanish authorities to translate the codes or decode the certificate of nationality are the Responsible for the Municipal Civil Register and the General Direction on Registers and Notaries”.

– Exchange of Notes constituting an agreement between the Kingdom of Spain and the Republic of Iceland concerning the participation in municipal elections of nationals of each country residing on the territory of the other country, done at Madrid and Paris on 31 March 2009.

*Entry into force:* 01.12.10 (BOE n. 305, 16.12.10).

– Exchange of Notes constituting an agreement between the Kingdom of Spain and the Plurinational State of Bolivia concerning the participation in municipal elections of nationals of each country residing on the territory of the other country, done at Madrid on 15 September 2009.

*Entry into force:* 01.12.10 (BOE n. 306, 17.12.10).

## VI. ORGANS OF THE STATE

### 1. Diplomatic Relations

– Agreement between the Government of the Kingdom of Spain and the Government of the Republic of Kazakhstan on mutual abolition of visas on diplomatic passports, done at Madrid on 30 October 2009.

*Provisional application:* 29.11.09 (BOE n. 49, 25.02.10).

– Agreement between the Kingdom of Spain and the Republic of the Philippines on the free exercise of remunerated activities by dependents of diplomatic, consular,

administrative and technical personnel of diplomatic and consular missions done at Manila on 24 March 2009.

*Entry into force:* 20.03.10 (BOE n. 53, 02.03.10).

– Exchange of Notes dated 24 March and 16 April 2010, constituting an agreement between the Kingdom of Spain and the Republic of Tunisia on mutual abolition of visas on diplomatic, service or special passports.

*Provisional application:* 16.05.10 (BOE n. 134, 2.06.10).

*Entry into force:* 31.12.10 (BOE n. 315, 28.12.10).

– Agreement between the Kingdom of Spain and the Republic of Senegal on the mutual abolition of visas on holders of diplomatic passports, done ad referendum at Madrid, on 16 December 2009.

*Entry into force:* 31.07.10 (BOE n. 174, 19.07.10).

– Agreement between the Kingdom of Spain and the Government of the Socialist Republic of Vietnam on the abolition of visa requirements for diplomatic passport holders, done ad referendum at Madrid, on 15 December 2009.

*Entry into force:* 31.08.10 (BOE n. 190, 6.08.10).

– Agreement between the Government of the Kingdom of Spain and the Government of the Republic of Kazakhstan on the abolition of visa requirements for diplomatic passport holders, done at Madrid, on 30 October 2009.

*Entry into force:* 31.08.10 (BOE n. 238, 01.10.10).

## 2. Relations with International Organizations

– Agreement between the Kingdom of Spain and the International Air Transport Association (IATA) on the status of the International Air Transport Association (IATA) in Spain, done at Madrid on 5 May 2009.

*Entry into force:* 27.11.09 (BOE n. 6, 7.01.10).

– Agreement between the United Nations and the Kingdom of Spain regarding the Use by the United Nations of Premises in the Kingdom of Spain for the Support of United Nations Peacekeeping and Related Operations, done at Madrid on 28 January 2009.

*Entry into force:* 24.11.09 (BOE n. 6, 7.01.10).

– Headquarters, Privileges and Immunities Agreement between the Kingdom of Spain and the European Joint Undertaking for ITER and the Development of Fusion Energy, done at Madrid on 28 June 2007.

*Entry into force:* 20.06.08 (BOE n. 54, 03.03.10).

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and the United Nations regarding the hosting of a workshop on strengthening international cooperation in criminal matters related to terrorism among and with the Member States



of ECOWAS: “Consolidation of bilateral, regional and international instruments on extradition and mutual legal assistance”, done at Vienna on 5 and 12 June 2009.

*Entry into force:* 27.03.10 (BOE n. 88, 12.04.10).

– Provisional Application of the assist card between the Kingdom of Spain and UNAMID (African Union/United Nations Hybrid operation in Darfur (UNAMID), done on 26 November and 12 December 2009.

*Provisional application:* 12.12.08 (BOE n. 133, 1.06.10 and *corr. of errors* BOE n. 158, 30.06.10).

– Headquarters Agreement between the Kingdom of Spain and the Secretariat of the Union for the Mediterranean, done at Madrid on 4 May 2010.

*Provisional application:* 4.05.10 (BOE n. 145, 15.06.10).

– Memorandum of Understanding between the Spanish Agency for International Cooperation for Development and the International Labour Office of the International Labour Organization on the financing of an Associate Experts Programme in the ILO for young nationals from Spain, done at Madrid, on 23 February 2010.

*Entry into force:* 23.02.10 (BOE n. 186, 2.08.10).

– Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, done at New York, on 8 December 2005.

*Instrument of ratification:* 29.08.07

*Entry into force:* 19.08.10 (BOE n. 189, 5.08.10).

– Headquarters Agreement between the Kingdom of Spain and the Community Fisheries Control Agency, done at Madrid on 19 July 2008.

*Provisional application:* 19.07.08 (BOE n. 230, 23.09.08).

*Entry into force:* 16.07.10 (BOE n. 218, 8.09.10).

## VII. TERRITORY

## VIII. SEAS, WATERWAYS AND SHIPS

– 2006 Amendments to the Annex of the Protocol of 1978 relating to the International Convention for prevention of pollution from ships, 1973, (reception facilities outside special areas and discharge of sewage) (published in the “Boletín Oficial del Estado” n° 249 and 250, on 17 and 18 October 1984), adopted on 13 July by Resolution MEPC 164(56).

*Entry into force:* 1.12.08 (BOE n. 7, 8.01.10).

– 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at London, on 14 October 2005.

*Instrument of ratification:* 31.03.08

*Entry into force:* 28.07.10 (BOE n. 170, 14.07.10 and *corr. of errors* BOE n. 226, 17.09.10).

- 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at London, on 14 October 2005.

*Instrument of ratification:* 31.03.08

*Entry into force:* 28.07.10 (BOE n. 171, 15.07.10 and *corr. of errors* BOE n. 225, 16.09.10).

- Amendments 2008 to the Annex of the Protocol of 1997 amending the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (Revised MARPOL Annex VI) (published in the “Boletín Oficial del Estado” n. 251 of 18 October 2004), adopted on 10th October 2008 by Resolution MEPC 176(58).

*Entry into force:* 1.07.10 (BOE n. 276, 15.11.10).

- Amendments 2008 to the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code) (published in the “Boletín Oficial del Estado” n. 122 of 22 May 1998) adopted on 4 December 2008 by Resolution MSC 273(85).

*Entry into force:* 1.07.10 (BOE n. 277, 16.11.10).

- Amendments 2008 to the Protocol of 1988 relating to the International Convention on Load Lines, 1966, as amended (published in the “Boletín Oficial del Estado” n. 233 on 29 September 1999), adopted on 4 December 2008 by Resolution MSC 270(85).

*Entry into force:* 1.07.10 (BOE n. 277, 16.11.10).

- 2008 Amendments to the International Maritime Dangerous Goods Code (IMDG Code) (published in the “Boletín Oficial del Estado” n. 304 on 21 December 2005), adopted on 16 May 2008 by Resolution MSC.262(84).

*Entry into force:* 1.01.10 (BOE n. 279, 18.11.10).

## IX. INTERNATIONAL SPACES

- Agreement between the Government of the Kingdom of Spain and the Government of the Russian Federation on cooperation in the field of the exploration and use of outer space for peaceful purposes, done at Madrid on 9 February 2006.

*Entry into force:* 17.03.10 (BOE n. 121, 18.05.10).

## X. ENVIRONMENT

- Protocol of revision of the Agreement on cooperation for the protection and sustainable use of the waters of the Spanish-Portuguese hydrographic basins and the additional protocol, signed at Albufeira on 30 November 1998, done at Madrid and Lisbon on 4 April 2008.

*Entry into force:* 5.08.09 (BOE n. 14, 16.01.10).

- Amendment to the Annex III to the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in the International Trade,

done at Rotterdam on 10 September 1998 (published in the “Boletín Oficial del Estado” n° 73, on 25 March 2004), adopted at Rome on 31 October 2008.

*Entry into force:* 01.02.09 (*BOE* n. 152, 23.06.10 and *corr. of errors BOE* n. 174, 19.07.10).

– Protocol to the Convention on environmental impact assessment in a transboundary context, done at Kiev, on 21 May 2003.

*Instrument of ratification:* 24.06.09

*Entry into force:* 11.07.10 (*BOE* n. 162, 05.07.10).

– Amendments to Annexes 2 and 3 and Table 1 of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), (published in the “Boletín Oficial del Estado” n. 296 of 11th December 2001), adopted by Resolution 4.11 on 19th September 2008.

*Entry into force:* 18.12.08 (*BOE* n. 241, 05.10.10).

## **XI. LEGAL ASPECTS OF INTERNATIONAL COOPERATION**

### **1. General Treaties**

– Basic Agreement on Cooperation between the Kingdom of Spain and the Republic of El Salvador, done “ad referendum” at San Salvador on 29 October 2008.

*Entry into force:* 17.12.09 (*BOE* n. 41, 16.02.10 and *corr. of errors BOE* n. 85, 08.04.10).

– Basic Cooperation Agreement between the Kingdom of Spain and the Kingdom of Cambodia, done at Phnom Pehn on 25 February 2010.

*Provisional application:* 25.02.10 (*BOE* n. 109, 5.05.10).

– Succession by the Republic of Montenegro to the bilateral treaties concluded between the Kingdom of Spain and the former Socialist Federal Republic of Yugoslavia or the State Union of Serbia and Montenegro (*BOE* n. 188, 4.08.10).

*Note:* In accordance with the Exchange of Notes between the Kingdom of Spain and the Republic of Montenegro dated 19 May and 11 June 2010 on the succession to bilateral treaties between the Former Yugoslavia or the State Union of Serbia and Montenegro, the following agreements will be applied between the Kingdom of Spain and the Republic of Montenegro, in accordance with its independence proclamation, since 3 June 2006:

Agreement between the Government of the Kingdom of Spain and the Government of the Socialist Federal Republic of Yugoslavia on cooperation in the field of tourism, done at Belgrade, on 12 July 1978.

Agreement on air transport between the Government of the Kingdom of Spain and the Government of the Socialist Federal Republic of Yugoslavia, done at Belgrade, on 11 April 1979.

Convention concerning judicial assistance in criminal matters and extradition between the Government of the Kingdom of Spain and the Government of the Socialist Federal Republic of Yugoslavia, done at Belgrade, on 8 July 1980.

Agreement between the Government of Spain and the Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia on road transport for passengers and goods, done at Belgrade on 18 December 1985.

Agreement on economic and industrial cooperation between the Kingdom of Spain and the Government of the Socialist Federal Republic of Yugoslavia, done at Madrid, on 20 November 1986.

Agreement between the Kingdom of Spain and the Government of the Socialist Federal Republic of Yugoslavia on the promotion and reciprocal protection of investments, done at Madrid, on 25 June 2002.

Agreement on cultural, educational and scientific cooperation between the Kingdom of Spain and Serbia and Montenegro, done at Madrid, on 24 September 2003.

Agreement between the Kingdom of Spain and Serbia y Montenegro on mutual exemption from visas for diplomatic, officials and service passport holders, done at Belgrade, on 17 May 2005.

Financial Cooperation Program signed between the. Council of Ministers of Serbia and Montenegro and the Government of Spain, signed at Madrid, on 13 June 2005.

– Convention between the United States of America and the Kingdom of Spain to enhance cooperation to prevent and fight against criminality, done at Washington on 23 June 2009.

*Provisional application:* 23.06.09 (BOE n. 225, 17.09.09).

*Entry into force:* 20.07.10 (with the exception of articles 8–10 in conformity with art. 25 of the Convention) (BOE n. 217, 7.09.10).

– Strategic Association Agreement between the Kingdom of Spain and the Republic of Kazakhstan done at Astana on 2nd July 2009.

*Entry into force:* 1.09.2010 (BOE n. 234, 27.09.10).

## 2. Military and Defence Cooperation

– Agreement between the Kingdom of Spain and the Slovak Republic on the mutual protection of classified information, done at Bratislava on 20 January 2009.

*Entry into force:* 01.01.10 (BOE n. 27, 1.02.10 and *corr. of errors* BOE n. 50, 26.02.10).

– Agreement between the Kingdom of Spain and the Islamic Republic of Afghanistan for the sponsorship of one unit of the Afghan National Armed Forces, done at Kabul on 28 July 2008.

*Entry into force:* 1.02.10 (BOE n. 61, 11.03.10).

– Agreement between the Kingdom of Spain and the Republic of Korea on the protection of defense classified information, done at Seoul on 23 March 2009.

*Entry into force:* 5.01.10 (BOE n. 62, 12.03.10).

– Agreement between the Kingdom of Spain and the Republic of Finland on the mutual protection of classified information, done at Madrid, on 9 June 2009.

*Entry into force:* 1.05.10 (BOE n. 98, 23.04.10).

– Exchange of Notes dated 23 February and 8 March 2010 between the Kingdom of Spain and the Republic of Haiti, constituting a temporary agreement on the status of the personnel of the armed forces in the context of the Spanish emergency humanitarian action after the earthquake.

*Provisional application:* 8.03.10 (BOE n. 129, 27.05.10).

– Exchange of Notes dated 17 March and 16 June 2010, constituting an Agreement between the Kingdom of Spain and the United Mexican States on the establishment of a Sub-commission for defence matters in the frame of the Mexico-Spain Commission.

*Entry into force:* 02.07.10 (BOE n. 183, 29.07.10).

– Further Additional Protocol to the Agreement among the States Parties to the North Atlantic Treaty and the Other States Participating in the Partnership for Peace regarding the Status of their Forces, done at Brussels, on 19 December 1997.

*Instrument of ratification:* 09.07.2010

*Entry into force (for Spain):* 26.07.10 (BOE n. 225, 16.09.10).

– Agreement on Security between the Republic of France, the Republic of Italy, the Republic of Portugal and the Kingdom of Spain on the protection of classified information on EUROFOR, done at Rome, on 11th October de 2007.

*Instrument of ratification:* 16.07.10

*Entry into force:* 30.08.10 (BOE n. 239, 02.10.10).

– Supplement to the Convention on the joint logistical support and improvement of the LEOPARD weapons system, 30 September 1969, modified on 15 May 1998.

*Entry into force:* 2.12.09 (BOE n. 284, 24.11.10).

### **3. Cultural Cooperation**

– Agreement between the Kingdom of Spain and the State of Kuwait on cultural, educational and scientific cooperation, done at Kuwait on 26 May 2008.

*Entry into force:* 9.02.10 (BOE n. 50, 26.02.10).

– Transactional Agreement between the Kingdom of Spain and the Principality of Andorra on the surrender of the building and other assets of “Radio Andorra”, done at Madrid on 5 February 2009.

*Entry into force:* 2.03.10 (BOE n. 72, 24.03.10).

– Agreement between the Kingdom of Spain and the United Nations University on the establishment, functioning and location of the United Nations University International Institute for the Alliance of Civilizations, done at Madrid and Tokyo, on 28 June 2010.

*Provisional application:* 28.06.10 (BOE n. 227, 18.09.10).

– Agreement between the Kingdom of Spain and the United Nations University regarding the United Nations University International Institute for the Alliance of Civilizations, done at Madrid and Tokyo, on 28 June 2010.

*Provisional application*: 28.06.10 (BOE n. 227, 18.09.10).

– Agreement on access to university level education between the Kingdom of Spain and the Principality of Andorra, done at Madrid, on 4 May 2010.

*Entry into force*: 4.05.10 (BOE n. 264, 01.11.10).

#### 4. Scientific and Technical Cooperation

– Agreement amending the Agreement for the Creation of an Iberian Electric Energy Market between the Kingdom of Spain and the Portuguese Republic, done at Braga on 18 January 2008 (*corr. of errors* BOE n. 22, 26.01.10).

– Resolution dated 29 March 2010, of the Technical Secretariat-General of the Ministry of Foreign Affairs and Cooperation, regarding the amendment to Annex II, Standards for Granting Therapeutic Use Exemptions, to the International Convention against Doping in Sport, Paris, 18 November 2005 (published in the “Boletín Oficial del Estado n.º 41, on 16 February 2007).

*Entry into force*: 1.03.10 (BOE n. 70, 22.03.10).

– Termination of the provisional application of Amendments to the Convention on the International Mobile Satellite Organization (IMSO), London, 29 September 2006, (published in the “Boletín Oficial del Estado” n.º 287, on 28 November 2008), adopted at the Twentieth Session of the Assembly, London 10 October 2008 (BOE n. 91, 15.04.10).

*Note*: At its Twentieth Session, held at London on 10 October 2008, the IMSO Assembly adopted, between others, the following decision:

“13.2.13 The Assembly decided to terminate, with effect from 6 October 2008, the decision taken at its eighteenth session, to adopt the 2006 amendments to the Convention, as well as the decision, taken at its nineteenth (extraordinary) session, that these amendments should be provisionally applied with effect from 7 March 2007”.

– Amending Agreement to the Protocol on the Privileges and Immunities of the International Mobile Satellite Organization (IMSO), done at London on 25 September 1998.

*Instrument of accession (by Spain)*: 24.03.10 (BOE n. 149, 19.06.10).

*Entry into force (for Spain)*: 22.05.10

– Amendments to the Convention on the International Mobile Satellite Organization (IMSO) adopted at the Twentieth Session of the Assembly, done at London on 3 October 2008.

*Entry into force*: 14.03.10 (BOE n. 153, 24.06.10).

– Agreement between the Spanish Agency for International Cooperation for Development and the United Nations Educational, Scientific and Cultural Organization on the provision of associate experts, done at Madrid, on 26 April 2010 (BOE n. 188, 4.08.10).

## 5. Financial and Tax Cooperation

– Agreement between the Kingdom of Spain and the Republic of Serbia for the avoidance of double taxation with respect to taxes on income and on capital, and Protocol, done at Madrid on 9 March 2009.

*Entry into force:* 28.03.10 (BOE n. 21, 25.01.10).

– Protocol amending the Convention between the Kingdom of Spain and the Grand Duchy of Luxembourg for the avoidance of double taxation with respect to taxes on income and capital and the prevention of fraud and fiscal evasion, done at Brussels on 10 November 2009.

*Entry into force:* 16.07.10 (BOE n. 132, 31.05.10).

– Exchange of Verbal Notes between the Kingdom of Spain and the Republic of Moldova on non application between both states of the Convention on the avoidance of double taxation between Spain and the Union of Soviet Socialist Republics, signed at Madrid, on 1st March 1985, done at Madrid, on 16 November 2006 and 1 October 2007.

*Entry into force:* 01.10.07 (BOE n. 152, 23.06.10).

– Exchange of Verbal Notes between the Kingdom of Spain and the Republic of Kazakhstan on non application between both states of the Convention on the avoidance of double taxation between Spain and the Union of Soviet Socialist Republics, signed at Madrid, on 1st March 1985, done at Madrid, on 3 June and 8 July 2008.

*Entry into force:* 08.07.08 (BOE n. 152, 23.06.10).

– Exchange of Verbal Notes between the Kingdom of Spain and the Republic of Georgia on non application between both states of the Convention on the avoidance of double taxation between Spain and the Union of Soviet Socialist Republics, signed at Madrid, on 1st March 1985, done at Madrid, on 24 January and 10 October 2007.

*Entry into force:* 10.10.07 (BOE n. 152, 23.06.10).

– Exchange of Verbal Notes between the Kingdom of Spain and the Republic of Azerbaijan on non application between both states of the Convention on the avoidance of double taxation between Spain and the Union of Soviet Socialist Republics, signed at Madrid, on 1st March 1985, done at Madrid, on 21 and 28 January 2008.

*Entry into force:* 28.01.08 (BOE n. 152, 23.06.10).

– Exchange of Verbal Notes between the Kingdom of Spain and the Republic of Armenia on non application between both states of the Convention on the avoidance of double taxation between Spain and the Union of Soviet Socialist Republics, signed at Madrid, on 1st March 1985, done at Madrid, on 6 June 2006 and 10 October 2007.

*Entry into force:* 10.10.07 (BOE n. 152, 23.06.10).

– Exchange of Verbal Notes between the Kingdom of Spain and the Republic of Uzbekistan on non application between both States of the convention on the avoidance of double taxation between Spain and the Union of Soviet Socialist Republics, signed

at Madrid, on 1st March 1985, done at Madrid, on 7th June and 21st July 2010 (*BOE* n. 246, 11.10.10).

*Note:* This Convention is not in force since 21 July 2010.

– Convention between the Kingdom of Spain and Bosnia and Herzegovina on avoiding double taxation and fiscal evasion prevention with respect to taxes on income and property, done at Sarajevo on 5 February 2008.

*Entry into force:* 4.01.11 (*BOE* n. 268, 05.11.10).

– Convention on Mutual Administrative Assistance in Tax Matters, done at Strasbourg on 25 January 1988.

*Instrument of ratification:* 22.07.10

*Entry into force (for Spain):* 1.12.10 (*BOE* n. 270, 08.11.10).

*Note:* with the following declarations of Spain:

I. “In the event that this Convention on Mutual Administrative Assistance in Tax Matters were to be applied to Gibraltar, Spain wishes to make the following declaration:

1. Gibraltar is a non-autonomous territory for the international relations of which the United Kingdom is responsible and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar are of a local nature and exercise exclusively internal competences which have their origin and their foundation in the distribution and attribution of competences performed by the United Kingdom, in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, should the Gibraltarian authorities participate in the application of this Convention it will be understood as effected exclusively within the scope of the internal competences of Gibraltar, and it cannot be considered to produce any change whatsoever in relation with what was established in the two preceding paragraphs”.

II. Spain declares that the implementation of the Annexes A, B y C of the Convention will be as follows:

“Annex A. Taxes to which the Convention applies

Article 2, paragraph 1.a.i.:

Taxes on income or profits, or taxes on capital gains which are imposed separately from the tax on income or profits, and taxes on net wealth, imposed on behalf of the member States:

- Personal Income Tax;
- Non-Residents Income Tax;
- Corporate tax;
- Wealth Tax.



Article 2, paragraph 1.b.i.:

Any of the above which are imposed on behalf of political subdivisions or local authorities of a Signatory State:

- Tax on the Increase in the Value of Urban Land;
- Tax on Economic Activities.

Article 2, paragraph 1.b.ii.:

Payments and other Social Security resources paid to the Government or to the Social Security Institutions established by law.

Article 2, paragraph 1.b.iii.:

Taxes in other categories, except customs duties, imposed on behalf of a signatory State, namely:

- A. Inheritance and Gift Tax.
- B. Tax on Immovable Property.
- C. Value-Added Taxes;
  - General Indirect Tax for the Canary Islands;
  - Tax on Imports and Deliveries of Goods in the Canary Islands;
  - Tax on Production, Services and Imports in the cities of Ceuta and Melilla.
- D. Tax on the Retail Sales of Certain Hydrocarbons;
  - Insurance Premium Tax;
  - Beer Tax;
  - Tax on Wine and Fermented Beverages;
  - Tax on Intermediate Products;
  - Tax on Alcohol and Derived Beverages;
  - Hydrocarbon Tax;
  - Tobacco Products Tax,
  - Electricity Tax;
  - Special Tax on Certain Means of Transport.
- E. Tax on Motor Vehicles.
- F. Tax on Capital Transfers and Documented Legal Acts.

Article 2, paragraph 1.b.iv.:

Any of the above which are imposed on behalf of political subdivisions or local authorities:

- Special Tax of the Autonomous Community of the Canary Islands on Petroleum-based Fuels;
- Tax on Construction, Installations and Works.

#### Annex B. Competent Authorities

The Minister of Economy and Finance, or the authorised representative thereof, and within the sphere of their powers, the Minister of Employment and Immigration or the

Minister that, in the future, may replace him, regardless of the fact that, in practice, such functions may be carried out by the General Treasury of the Social Security.

Annex C. Definition of the word “national” for the purpose of the Convention

1. All individuals of Spanish nationality.

2. All legal persons, partnerships or associations and other institutions set up in accordance with current Spanish legislation”.

– Agreement between the Government of the Kingdom of Spain and the Government of the Principality of Andorra concerning the exchange of information relating to tax matters, done at Madrid on 14 January 2010.

*Entry into force:* 10.02.11 (*BOE* n. 283, 23.11.10).

## **6. Road Traffic and Transport**

– Resolution dated 1 March 2010, of the Technical Secretariat-General of the Ministry of Foreign Affairs and Cooperation, regarding the correction of errors of the proposal of amendments by Portugal to Annex A to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), done at Geneva on 30 September 1957.

*Note:* the text of the amendment to which this correction of errors is related was published in the “Boletín Oficial del Estado” n. 182, on 29 July 2009 (*BOE* n. 68, 19.03.10).

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and the Kingdom of Morocco on the reciprocal recognition and the exchange of national driving licenses, done at Madrid, on 8 March 2004.

*Entry into force:* 7.04.10 (*BOE* n. 101, 27.04.10).

– Exchange of Notes dated 27 November 2008 and 9 March 2009 constituting an Agreement between the Kingdom of Spain and the Republic of Serbia on mutual recognition and exchange of national driving licenses.

*Entry into force:* 19.05.10 (*BOE* n. 142, 11.06.10).

– Exchange of Notes dated 11th January 2010, constituting an Agreement between Spain and Ukraine on the mutual recognition and exchange of national driving licenses.

*Entry into force:* 31.10.10 (*BOE* n. 235, 28.09.10).

– Multilateral Agreement M-214 under Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), (published in the “Boletín Oficial del Estado” n. 182 of 29 July 2009), concerning anti-lock braking system for trailers, done at Madrid, 15 February 2010 (*BOE* n. 240, 04.10.10).

– Multilateral Agreement M-198 under Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), (published in the “Boletín Oficial del Estado” n° 182 of 29 July 2009), concerning the numbers of trailers in a transport unit, done at Madrid, 9 February 2010 (*BOE* n. 249, 14.10.10).

*Note:* This agreement shall be valid until 10 June 2013 for the carriage on the territories of those ADR Contracting Parties signatory to this agreement. If it is revoked before then by one of the signatories, it shall remain valid until the above mentioned date only for carriage on the territories of those ADR Contracting Parties signatory to this agreement which have not revoked it. This agreement has been signed by the ADR competent authorities from:

Spain.  
Finland.  
Sweden.

## 7. Rail Traffic and Transport

– Agreement between the Kingdom of Spain and the French Republic on the creation of a Hispano-French intergovernmental commission for the supervision of the construction and exploitation of the international section of the high-speed railway connection “South-Europe Atlantic”, done at Madrid and Paris on 23 January and 8 February 2008.

*Entry into force:* 01.02.10 (*BOE* n. 23, 27.01.10).

## 8. Sea Traffic and Transport

– 2006 Amendments to the International Code for Fire Safety Systems (FSS Code), in accordance with the International Convention for the Safety of Life at Sea (SOLAS), 1974, adopted on 18 May 2009 by Resolution MSC 206(81) (*Corr. of errors* *BOE* n. 62, 12.03.10).

– 2008 Amendments to the 1988 Protocol to the Convention for the Safety of Life at Sea, 1974, as amended, adopted on 16 May 2008 by Resolution MSC 258(84) (*Corr. of errors* *BOE* n. 67, 18.03.10).

– Resolution dated 1 March 2010, of the Technical Secretariat-General of the Ministry of Foreign Affairs and Cooperation, regarding the correction of errors of the Spanish version of the Amendments to the International Regulations for Preventing Collisions at Sea, 1972, adopted on 29 November 2001 by Resolution A-910(22) (*BOE* n. 69, 20.03.10).

– Amendments to the International Regulations for Preventing Collisions at Sea, 1972 (published in the “Boletín Oficial del Estado” on 9 July 1977), adopted on 29 November 2007 by Resolution A. 1004(25) (*BOE* n. 69, 20.03.10).

– 2006 Amendments to the 1988 Protocol to the Convention for the Safety of Life at Sea, 1974, adopted on 8 December 2006 by Resolution MSC 227(82) (*Corr. of errors* *BOE* n. 72, 24.03.10).

– 2008 Amendments to the Guidelines on the Enhanced Program of Inspections during Surveys of Bulk Carriers and Oil Tankers, adopted on 16 May 2008 by Resolution MSC 261 (84) (*Corr. of errors* *BOE* n. 88, 12.04.10).

- 2006 Amendments to the Convention for the Safety of Life at Sea 1974, as amended, adopted on 18 May 2006 by Resolution MSC 201(81) (*Corr. of errors BOE* n. 90, 14.04.10).
- Amendments to the International Regulations for Preventing Collisions at Sea, 1972, adopted on 29 November 2007 by Resolution A. 1004(25) (*Corr. of errors BOE* n. 122, 19.05.10).
- Agreement between the Kingdom of Spain and the Republic of France on the selection, implementation and financing of two projects of maritime highways between Spain and France at the Atlantic-La Mancha-North Sea seaboard, done at Madrid, on 28 April and 10 November 2009 (published in *BOE* n. 136, 4.06.10).  
*Entry into force*: 04.07.10 (*BOE* n. 169, 13.07.10).
- Convention on Transit Trade of Land-locked States, done at New York on 8 July 1965.  
*Instrument of accession (by Spain)*: 19.04.10  
*Entry into force (for Spain)*: 04.06.10 (*BOE* n. 152, 23.06.10).
- Amendment to the Spanish version of the 2004 Amendments to the International Convention for the Safety of Life at Sea, 1974, as amended (Chapters II-1, III, V, VII and XII) (published in the “Boletín Oficial del Estado” on 16, 17 and 18 June 1980), adopted on 9 December 2004 by Resolution MSC 170(79), published in the “Boletín Oficial del Estado” n.º 34, on 8 February 2007 (*BOE* n. 158, 30.06.10).
- 2009 Amendments to the Annex to the Convention on Facilitation of Maritime Traffic, 1965, as amended, done at London on 9 April 1965 (published in the “Boletín Oficial del Estado” n. 231 on 26 September 1973), adopted by the Facilitation Committee in its 35th Session by Resolution FAL 10 (35).  
*Entry into force*: 15.05.10 (*BOE* n. 280, 19.11.10).

## 9. Air Traffic and Transport

- Air Transport Agreement between the Kingdom of Spain and Jamaica, done at Kingston, on 17 February 2009.  
*Entry into force*: 26.04.10 (*BOE* n. 90, 14.04.10).
- Review of limits of liability under Article 24 of Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal on 28 May 1999.  
*Entry into force*: 30.12.09 (*BOE* n. 306, 17.12.10).
- Air Services Agreement between the Kingdom of Spain and the Republic of Singapore, done at Madrid on 14 April 2010.  
*Entry into force*: 02.01.11 (*BOE* n. 314, 27.12.10).

## **10. Labour, Social Security and Emigration**

– Agreement between Spain and Canada on youth mobility programs, done at Ottawa on 10 March 2009.

*Entry into force:* 01.02.10 (BOE n. 28, 2.02.10).

– Correction of errors of the provisional application of the immigration cooperation agreement between the Kingdom of Spain and the Republic of Guinea Bissau, done “ad referendum” at Bissau on 27 January 2008, and Exchange of Notes dated 11 July and 29 September 2009 (BOE n. 36, 10.02.10).

– Agreement between the Kingdom of Spain and New Zealand on the Working Holiday Scheme, done at Wellington on 23 June 2009.

*Entry into force:* 21.04.10 (BOE n. 108, 4.05.10 and *corr. of errors* BOE n. 142, 11.06.10).

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and the Republic of Estonia on representation for the issuing of Schengen visas, of 11 February 2009, done at Madrid on 25 March and 14 May 2010.

*Provisional application:* 14.05.10 (BOE n. 153, 24.06.10).

*Entry into force:* 14.09.10 (BOE n. 243, 07.10.10).

– Agreement on Social Security between Spain and Japan, done at Tokyo, on 12 November 2008.

*Entry into force:* 1.12.10 (BOE n. 248, 13.10.10 and *corr. of errors* BOE n. 259, 26.10.10).

– Administrative Agreement for the Implementation of the Agreement on Social Security between Spain and Japan, done at Tokyo on 30 July 2010.

*Entry into force:* 1.12.10 (BOE n. 265, 02.11.10).

## **11. Civil and Criminal Cooperation**

– Instrument foreseen in article 3(2) of the Agreement on mutual legal assistance between the European Union and the United States of America dated 25 June 2003, regarding the application of the Agreement on mutual assistance in criminal matters between the Kingdom of Spain and the United States of America dated 20 November 1990, done “ad referendum” at Madrid on 17 December 2004.

*Entry into force:* 01.02.10 (BOE n. 22, 26.01.10).

– Instrument foreseen in article 3(2) of the Agreement on extradition between the European Union and the United States of America dated 25 June 2003, regarding the application of the Extradition Treaty between Spain and the United States of America dated 29 May 1979, and the Supplementary Treaty on Extradition dated 25 January 1975, 9 February 1988 and 12 March 1996, done “ad referendum” at Madrid on 17 December 2004.

*Entry into force:* 01.02.10 (BOE n. 22, 26.01.10).

– Resolution dated 1 March 2010, of the Technical Secretariat-General of the Ministry of Foreign Affairs and Cooperation, ordering the publication of the Statement from the Minister of Internal Affairs in compliance with the Agreement on transboundary cooperation on police and customs matters between the Kingdom of Spain and the French Republic, done “ad referendum” at Blois, on 7 July 1998 (*BOE* n. 29, 3.02.10).

*Note:* In compliance with article 1 of the Agreement on transboundary cooperation on police and customs matters between the Kingdom of Spain and the French Republic, the Minister of Internal Affairs states that the Basque Country Police Force – Ertzaintza – is competent, within the scope of its responsibilities, for the execution and application of this Agreement.

– Declaration of acceptance by Spain to the accession of the Republic of Iceland to the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (published in the “Boletín Oficial del Estado” n.º 203, on 25 August 1987), done at The Hague, on 18 March 1970.

*Entry into force:* 8.03.10 (*BOE* n. 34, 08.02.10).

*Note:* “In accordance with Article 39, paragraph 4, of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, done at The Hague, on 18 March 1970, Spain declares that accepts the accession of the Republic of Iceland to the above mentioned Convention”.

– Civil Law Convention on Corruption (CETS n. 174) done at Strasbourg, on 4th November 1999.

*Instrument of ratification:* 01.12.09

*Entry into force (for Spain):* 1.04.10 (*BOE* n. 78, 31.03.10).

*Note:* with the following declaration by Spain:

“If this Convention were to be extended by the United Kingdom to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Convention will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs”.

– Declaration of acceptance by Spain to the accession of the Principality of Liechtenstein to the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters

(published in the “Boletín Oficial del Estado” n.º 203, on 25 August 1987), done at The Hague, on 18 March 1970 (*BOE* n. 91, 15.04.10).

*Note:* “In accordance with Article 39, paragraph 4, of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, done at The Hague, on 18 March 1970, Spain accepts the accession of the Principality of Liechtenstein to the above mentioned Convention”.

– Agreement between Ireland, the Netherlands, the Kingdom of Spain, the Italian Republic, the Portuguese Republic, the French Republic and the United Kingdom of Great Britain and Northern Ireland to set up the Maritime Analysis and Operations Centre-Narcotics (MAOC-N), done at Lisbon on 30 September.

*Entry into force:* 2.04.10 (*BOE* n. 126, 24.05.10).

– Additional Protocol to the Convention on cooperation in criminal matters between the Kingdom of Spain and the Republic of Colombia, done at Madrid on 12 July 2005.  
*Instrument of ratification:* 10.11.09 (*BOE* n. 149, 19.06.10).

*Entry into force (for Spain):* 01.07.10.

– Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS n.198), done at Warsaw, on 16 May 2005.

*Instrument of ratification:* 28.12.09

*Entry into force:* 01.07.10 (*BOE* n. 155, 26.06.10).

*Note:* with the following declaration by Spain:

“If this Convention were to be extended by the United Kingdom to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Convention will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs”.

– Criminal Law Convention on Corruption (CETS n. 173) done at Strasbourg, on 27 January 1999.

*Entry into force:* 01.09.10 (*BOE* n. 182, 28.07.10).

*Note:* With the following declarations of Spain:

“If this Convention were to be extended by the United Kingdom to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Convention will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs.”

“In accordance with Articles 17, paragraph 2, and 37, paragraph 2, of the Convention, the Kingdom of Spain reserves itself the right not to apply Article 17, paragraph 1.b, and to request therefore the requirement of dual punish ability for the prosecution of offences committed abroad by its nationals”

“In accordance with Article 29 of the Convention, the Government of Spain designates as the central authority for the purposes of this Convention:

Subdirección General para Asuntos de Justicia en la Unión Europea y OO.II.

(Sub-Directorate General of Legal Affairs of the European Union and Organisation International Directorate General for International Legal Cooperation of the Ministry of Justice)

Calle San Bernardo, 62

C.P. 28071 Madrid

Phone: +34 91 390 44 72/44 10”.

– Declaration of acceptance by Spain to the accession of the Republic of Croatia to the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (published in the “Boletín Oficial del Estado” n.º 203, on 25 August 1987), done at The Hague, on 18 March 1970.

*Entry into force (between Spain and Croatia):* 11.09.10 (BOE n. 220, 10.09.10).

*Note:* “In accordance with Article 39, paragraph 4, of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, done at The Hague, on 18 March 1970, Spain declares that accepts the accession of the Republic of Croatia to the above mentioned Convention”.

– Convention on Cybercrime (CETS n. 185), done in Budapest, on 23rd November 2001.

*Instrument of ratification:* 20.05.2010

*Entry into force (for Spain):* 01.10.10 (BOE n. 226, 17.09.10 and corr. of errors BOE n. 249, 14.10.10).

*Note:* with the following declaration by Spain:



“If the Convention were to be extended by the United Kingdom to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Convention will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs.”

Declaration contained in the instrument of ratification deposited on 3 June 2010. Original English.

“In accordance with Articles 24 and 27 of the Convention, Spain declares that the central authority designated is the Sub-Directorate General for International Legal Cooperation of the Ministry of Justice.”

Declaration contained in the instrument of ratification deposited on 3 June 2010. Original English.

“In accordance with Article 35 of the Convention, Spain declares that the central authority designated is the:

“Commissariat Général de la Police Judiciaire”  
Ministry of the Interior.”

– Resolution dated 14th September 2010, of the Technical Secretariat-General of the Ministry of Foreign Affairs and Cooperation, on the accession of Peru to the Convention on Abolishing the Requirement for Legalisation for Foreign Public Documents, done at The Hague, on 5 de October 1961 (published in the “Boletín Oficial del Estado” n.º 229, on 25 September 1978) (*BOE* n. 231, 23.09.10).

– Convention on extradition between the Kingdom of Spain and the United Arab Emirates, done at Madrid on 24 November 2009.

*Instrument of ratification:* 27.08.10

*Entry into force:* 14.11.10 (*BOE* n. 259, 26.10.10).

– Convention between the Kingdom of Spain and the United Arab Emirates on the transfer of sentenced persons, done at Madrid on 24 November 2009.

*Instrument of ratification:* 27.08.10

*Entry into force:* 14.11.10 (*BOE* n. 260, 27.10.10).

– Convention between the Kingdom of Spain and the United Arab Emirates on mutual legal assistance in criminal matters, done at Madrid on 24 November 2009.

*Instrument of ratification:* 27.08.10

*Entry into force:* 14.11.10 (BOE n. 261, 28.10.10).

– Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, done at The Hague on 19 October 1966.

*Instrument of ratification:* 28.05.10

*Entry into force:* 01.01.11 (BOE n. 291, 2.12.10).

*Note:* with the following declaration by Spain

“If the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children were to be extended by the United Kingdom to the territory of Gibraltar, the Kingdom of Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonization process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the said non-autonomous territory depends.

3. As a result, any participation of the Gibraltar authorities in the application of this Convention will be understood as carried out exclusively within the framework of the internal competences of Gibraltar and cannot be considered to modify in any way the provisions of the two previous paragraphs.

4. The process provided for by the Arrangements relating to Gibraltar authorities in the context of certain international treaties (2007), agreed by Spain and the United Kingdom on 19 December 2007, applies to the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children.

Pursuant to the provisions of article 34, paragraph 2 of the Convention, Spain declares that the requests referred to in article 34, paragraph 1 shall be communicated to its authorities solely through its Central Authority.

In accordance with the provisions of Article 55:

Pursuant to the provisions of article 60 and article 55, paragraph 1(a) and (b) of the Convention, Spain reserves the jurisdiction of its authorities to take measures directed to the protection of the property of a child which is situated on its territory, and the right not to recognize any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property.”

## 12. Health and Relief Cooperation

– Framework Convention between the Kingdom of Spain and the Portuguese Republic on transboundary medical cooperation, done “ad referendum” at Zamora, on 22 January 2009, and its administrative agreement between the Health and Consumer Affairs Ministry of Spain and the Health Ministry of Portugal on the methods of applying the Framework Agreement.

*Entry into force:* 24.04.10 (BOE n. 89, 13.04.10).

– Agreement between the Government of the Kingdom of Spain and the Government of the Republic of Belarus on the conditions of providing recuperation services in Spain to underage Belarusian children, done at Minsk, on 1 June 2009.

*Entry into force:* 15.05.10 (BOE n. 163, 06.07.10).

– Protocol between the Government of the Kingdom of Spain and the Government of the Republic of Belarus on introducing amendments to the Intergovernmental agreement between the Government of the Kingdom of Spain and the Government of the Republic of Belarus on the conditions of providing recuperation services in Spain to underage Belarusian children, dated 1st June 2009, done at Minsk, on 24th September 2009.

*Entry into force:* 5.07.10 (BOE n. 242, 06.10.10).

– Resolution dated 22 December 2010, of the Technical Secretariat-General of the Ministry of Foreign Affairs and Cooperation, regarding the amendment to Annex II, Standards for Granting Therapeutic Use Exemptions, to the International Convention against Doping in Sport, Paris, 18 November 2005 (published in the “Boletín Oficial del Estado” n. 41, on 16 February 2007).

*Entry into force:* 01.01.11 (BOE n. 317, 30.12.10)

## 13. Industrial and Intellectual Property

– Special Agreement between the Government of the Kingdom of Spain and the European Patent Organization on cooperation on matters relating to the Patent Cooperation Treaty (PCT), done at Munich and Madrid on 2 July and 18 December 2008.

*Entry into force:* 14.12.09 (BOE n. 30, 4.02.10).

– Amendments to the Regulations under the Patent Cooperation Treaty (PCT) adopted by the 34th (15th Ordinary) Session of the PCT Assembly on 5 October 2005 (BOE n. 61, 11.03.10).

– WIPO Copyright Treaty, done at Geneva on 20 December 1996.

*Instrument of ratification:* 14.12.09 (BOE n. 148, 18.06.10).

*Entry into force (for Spain):* 14.03.10

- WIPO Performances and Phonograms Treaty, done at Geneva on 20 December 1996.

*Instrument of ratification:* 14.12.09 (BOE n. 148, 18.06.10).

*Entry into force (for Spain):* 14.03.10

- Amendments to the Regulations under the Patent Cooperation Treaty (PCT) (published in the “Boletín Oficial del Estado” on 7th November 1989), adopted by the International Patent Cooperation Union (PCT Union) Assembly at its 38th (22nd Extraordinary) Session on 29th September 2008 (BOE n. 244, 08.10.10).

- Amendments to the Regulations under the Patent Cooperation Treaty (PCT) (published in the “Boletín Oficial del Estado” on 7th November 1989), adopted by the International Patent Cooperation Union (PCT Union) Assembly at its 36th (16th ordinary) Session on 12th November 2007 (BOE n. 244, 08.10.10).

- Amendments of the Schedule of Fees annexed to the Patent Cooperation Treaty (PCT) Regulations (published in the “Boletín Oficial del Estado” on 7th November 1989) adopted by the International Patent Cooperation Union (PCT Union) Assembly at its 37th (21st Extraordinary) Session on 15th May 2008 (BOE n. 244, 08.10.10).

## XII. INTERNATIONAL ORGANIZATIONS

- Minutes and Resolutions of the Postal Union of America, Spain and Portugal (UPAEP), adopted by the XX Congress of the Union, held at Montevideo on 14 June 2007.

*Instrument of ratification:* 4.11.09

*Entry into force:* 1.01.08 (BOE n. 6, 7.01.10).

- Instrument amending the Convention for the Establishment of the European Radio-communications Office (ERO), done at Copenhagen on 12 December 2002.

*Instrument of ratification:* 17.10.06

*Entry into force:* 1.07.09 (BOE n. 62, 12.03.10).

- Amendment to articles 7.2 (G) of the Agreement Establishing the International Fund for Agricultural Development, (published in the “Boletín Oficial del Estado” on 14 February 1979 and 29 March 1979), adopted at Rome by Resolution 143/XXIX of the Governing Council, on 6 February 2006.

*Entry into force:* 16.02.06 (BOE n. 71, 23.03.10).

- Amendment to articles 7.2 (A) and (B) of the Agreement Establishing the International Fund for Agricultural Development, (published in the “Boletín Oficial del Estado” on 14 February 1979 and 29 March 1979), adopted at Rome by Resolution 124/XXIV of the Governing Council, on 21 January 2001.

*Entry into force:* 21.02.01 (BOE n. 76, 29.03.10 and *corr. of errors* BOE n. 105, 30.04.10).

– Amendment to article 7.2 (G) of the Agreement Establishing the International Fund for Agricultural Development, adopted at Rome by Resolution 143/XXIX of the Governing Council, on 6 February 2006 (*BOE* n. 101, 27.04.10).

– Loan Agreement between the Kingdom of Spain and the International Monetary Fund, done at Istanbul on 5 October 2009.

*Entry into force:* 26.04.10 (*BOE* n. 120, 17.05.10).

– Amendment to the Annex II to the Convention for the establishment of a European Space Agency, done at Paris, on 30 May 1975 (published in the “Boletín Oficial del Estado” on 13 January 1981), done at Barcelona, on 10 June 2009.

*Entry into force:* 01.01.10 (*BOE* n. 175, 20.07.10).

– Instrument of Acceptance of the Amendment to the Article 38 of the Statute of the World Tourism Organization, adopted by the III General Assembly, held in Torremolinos, on 25 September 1979, by Resolution 61(III).

(*Corr. of errors* *BOE* n. 183, 29.07.10).

– Final Acts of the World Radio-communication Conference (WRC-07), done at Geneva, on 16 November 2007.

*Entry into force:* 06.07.10 (*BOE* n. 187, 3.08.10).

– Exchange of Notes, constituting an Agreement between the Kingdom of Spain and the United Nations Framework Convention on Climate Change Secretariat regarding the arrangements for the workshop to be held in Madrid April 20–22nd 2010, done at Bonn and Madrid, on 12 and 13 April 2010.

*Provisional application:* 13.04.10 (*BOE* n. 258, 25.10.10).

– Amendments to the Regulations under the Patent Cooperation Treaty (PCT), adopted by the International Patent Cooperation Union (PCT Union) Assembly at its 36th (16th ordinary) Session on 12 November 2007 (*Corr. of errors* *BOE* n. 258, 25.10.10).

– Agreement on Subscription of “C” Series Shares of Ordinary Capital concluded between Spain and the Andean Development Corporation, done at Madrid on 17 May 2010.

*Entry into force:* 10.11.10 (*BOE* n. 292, 3.12.10).

### **XIII. EUROPEAN UNION**

– Third Act of Corrections of Errors of the Lisbon Treaty amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007 (*BOE* n. 41, 16.02.10).

– Agreement between the Minister of Defense of the French republic, the Minister of Defense of the Italian Republic, the Minister of Defense of the Kingdom of Spain and the High Representative for the Common Foreign and Security Policy (CFSP) for the European Union, regarding the Helios I images being made available to European Union.

*Provisional application:* 10.12.07 (BOE n. 69, 20.03.10).

Declaration made upon signature by Spain:

“The Kingdom of Spain declares that, in accordance with its constitutional provisions, the entry into force of this agreement require the prior authorization of the Cortes Generales. Notwithstanding the above, the Kingdom of Spain declares that will provisionally apply this agreement from the date of signature unless there is an expressed objection by the other parties. After obtaining parliamentary approval, Spain will immediately notify the other parties to the Agreement, ant it will enter into force from that moment.”

– Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part done at Luxembourg, on 15 October 2007.

*Entry into force:* 1.05.10 (BOE n. 105, 30.04.10).

– Inter-creditor Agreement between the Kingdom of Belgium, Federal Republic of Germany, Ireland, Kingdom of Spain, French Republic, Italian Republic, Republic of Cyprus, Grand Duchy of Luxembourg, Republic of Malta, Kingdom of the Netherlands, Republic of Austria, Portuguese Republic, Republic of Slovenia, Slovak Republic and Republic of Finland, done at Brussels, on 8 May 2010.

*Provisional application:* 8.05.10 (BOE n. 117, 13.05.10).

– Loan Facility Agreement between the following Member States whose currency is the euro: Kingdom of Belgium, Ireland, Kingdom of Spain, French Republic, Italian Republic, Republic of Cyprus, Grand Duchy of Luxembourg, Republic of Malta, Kingdom of the Netherlands, Republic of Austria, Portuguese Republic, Republic of Slovenia, Slovak Republic and Republic of Finland and KfW acting in the public interest, subject to the instructions of and with the benefit of the guarantee of the Federal Republic of Germany as the Lenders, and the Hellenic Republic as the Borrower and the Bank of Greece acting as agent on behalf of the Borrower done in Brussels and Athens on 8 May 2010.

*Provisional application:* 8.05.10 (BOE n. 117, 13.05.10).

– Fourth Act of Corrections of Errors of the Lisbon Treaty amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007 (BOE n. 133, 1.06.10).

– Protocol drawn up on the basis of Article K.3 of the Treaty on European Union, on the scope of the laundering of proceeds in the Convention on the use of information technology for customs purposes and the inclusion of the registration number of the means of transport in the Convention, done at Brussels on 12 March 1999.

*Entry into force:* 14.04.08 (BOE n. 142, 11.06.10).

– Partnership or Cooperation Agreement establishing a partnership between the European Communities and their Member States, for the one part, and the Republic of Tajikistan, of the other part, done at Luxembourg on 11 October 2004.

*Entry into force:* 01.01.10 (*BOE* n. 154, 25.06.10).

#### **XIV. INTERNATIONAL RESPONSIBILITY**

#### **XV. PEACEFUL SETTLEMENT OF DISPUTES**

#### **XVI. COERCION AND USE OF FORCE SHORT OF WAR**

#### **XVII. WAR AND NEUTRALITY**

– Convention on cluster munitions, done at Dublin on 30 May 2008.

*Instrument of ratification:* 8.06.09

*Entry into force:* 1.08.10 (*BOE* n. 68, 19.03.10 and *corr. of errors* *BOE* n. 171, 15.07.10).

– Resolution dated 7 April 2010, of the Technical Secretariat-General of the Ministry of Foreign Affairs and Cooperation, on the objection to the reservation and interpretative declaration made by the United States of America to the Protocol Nº III on Prohibitions or Restrictions on the Use of Incendiary Weapons to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III), done at Geneva, on 10 October 1980 (published in the “Boletín Oficial del Estado” n. 89 on 14 April 1994) (*BOE* n. 97, 22.04.10).

*Note:* “With regard to the reservation made by the United States of America upon consenting to be bound by Protocol III to the above Convention:

The Government of the Kingdom of Spain has examined the reservation to article 2, paragraphs 2 and 3, of the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons, presented by the United States of America at the time of its ratification of the Protocol.

The Government of the Kingdom of Spain considers that the said reservation, in the terms in which it was formulated, runs counter to the prohibitions contained in article 2, paragraphs 2 and 3, and is therefore incompatible with the object and purpose of Protocol III.

Consequently, the Government of the Kingdom of Spain objects to the reservation presented by the United States of America to article 2, paragraphs 2 and 3, of the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons.

This objection shall not preclude the entry into force of the Protocol between the Kingdom of Spain and the United States of America.

This objection made by Spain was deposited with the United Nations Secretary-General on 5 February 2010”.