

# *Treaties to which Spain is a Party Concerning Matters of Private International Law, 2008*

This survey, prepared and compiled by Dr. Blanca Vilà Costa (Professor of Private International Law, University of Barcelona), covers the treaties and other international agreements published in the *Boletín Oficial del Estado* (Official Journal of the State) during 2008.

## **I. SOURCES OF PRIVATE INTERNATIONAL LAW**

– Organic Act 1/2008, of 30 July, authorising Spain's ratification of the Lisbon Treaty, amending the Treaty of the European Union and the Treaty Constituting the European Community, signed in Lisbon on 13 December 2007 (*BOE* 184, 31.07.08).

*Note:* See Spanish Municipal Legislation concerning matters of Public and Private International Law.

## **II. INTERNATIONAL JURISDICTION**

## **III. PROCEDURE AND JUDICIAL ASSISTANCE**

– Declaration of acceptance by Spain of the accession by the Republic of India to the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, done at The Hague on 18 March 1970.

*Entry into force:* 31.03.08 (*BOE* 57, 6.03.08).

– Resolution dated 2 April 2008, of the Technical Secretariat-General of the Ministry of Foreign Affairs, concerning the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, done at The Hague on 5 October 1961 (published in the *Boletín Oficial del Estado* n. 229, dated 25 September 1978) (*BOE* 92, 16.04.08).

*Note:* This document notifies the accession of India to the Convention.

## **IV. RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS AND DECISIONS**

## **V. INTERNATIONAL COMMERCIAL ARBITRATION**

## **VI. CHOICE OF LAW: SOME GENERAL PROBLEMS**

### **VII. ALIENS, REFUGEES AND CITIZENS OF THE EUROPEAN COMMUNITY**

– Framework Agreement regarding cooperation on immigration matters between the Kingdom of Spain and the Republic of Cape Verde, done *ad referendum* at Madrid on 20 March 2007.

*Entry into force:* 19.01.08 (BOE 39, 14.02.08).

– Declaration of Spain concerning the suspension of the implementation with regard to Ukraine of the European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe, signed in Paris on 13 December 1957.

*Registered at the Secretariat General:* 12.11.07 (BOE 92, 16.04.08).

*Note:* Declaration contained in a letter from the Minister of Foreign Affairs and Cooperation of Spain, transmitted by a letter from the Permanent Representative of Spain, dated 9 November 2007, registered at the Secretariat General on 12 November 2007.

“The Kingdom of Spain and Ukraine are contracting Parties to the European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe, signed in Paris on 13 December 1957. The Kingdom of Spain, basing upon Article 7 of such Agreement, has decided to suspend, temporarily and immediately, its implementation with regard to Ukraine.

Such a measure has been considered necessary for reasons referred to public order. The application of the Agreement to Ukraine is contrary to the Regulation EC No. 539/2001, which concerns the issuing of visas: its annex I stipulates that Ukraine appears within the group of third countries whose citizens must have a visa to be enabled to cross the external borders of the European Union”.

– Framework Co-operation Agreement on immigration between the Kingdom of Spain and the Republic of Mali, done in Madrid on 23 January 2007.

*Provisional application:* 22.02.08 (BOE 135, 4.06.08).

– Framework Co-operation Agreement on immigration between the Kingdom of Spain and the Republic of Niger, done at Niamey on 10 May 2008.

*Provisional application:* 9.06.08 (BOE 160, 3.07.08).

– Agreement between the Republic of Senegal and the Kingdom of Spain on Cooperation to Prevent the Emigration of Unaccompanied Senegalese Minors, their Protection, Repatriation and Reintegration, done *ad referendum* in Dakar on 5 December 2006.

*Entry into force:* 1.07.08 (BOE 173, 18.07.08).

## **VIII. NATURAL PERSONS: LEGAL INDIVIDUALITY, CAPACITY AND NAME**

## **IX. FAMILY LAW**

## **X. SUCCESSION**

## **XI. CONTRACTS**

## **XII. TORTS**

– International Convention on Civil Liability for Bunker Oil Pollution Damage (BUNKERS 2001), done at London on 23 March 2001.

*Instrument of ratification:* 10.11.03

*Entry into force:* 21.11.08 (BOE 43, 19.02.08).

## **XIII. PROPERTY**

## **XIV. COMPETITION LAW**

## **XV. INVESTMENTS AND FOREIGN EXCHANGE**

– Agreement between the Kingdom of Spain and Kuwait for the mutual promotion and protection of investments, done at Madrid on 8 September 2005.

*Entry into force:* 8.03.08 (BOE 79, 1.04.08).

– Agreement for the mutual promotion and protection of investments between the Kingdom of Spain and the United States of Mexico, done at México on 10 October 2006.

*Entry into force:* 3.04.08 (BOE 81, 3.04.08 and *corr. of errors* BOE 121, 19.05.08).

– Agreement between the Kingdom of Spain and the People's Republic of China for the mutual promotion and protection of investments, done at Madrid on 14 November 2005.

*Entry into force:* 1.07.08 (BOE 164, 8.07.08).

## **XVI. FOREIGN TRADE LAW**

## **XVII. BUSINESS ASSOCIATION/CORPORATION**

## **XVIII. BANKRUPTCY**

## **XIX. TRANSPORT LAW**

– Agreement between the Government of the Kingdom of Spain and the Government of the Republic of Kazakhstan on international carriage of persons and goods by road, done *ad referendum* at Madrid on 30 October 2000, and Exchange of Notes, dated 6 and 24 February 2006, as a modification of article 11.

*Entry into force:* 27.03.08 (BOE 82, 4.04.08).

– Agreement on aerial transport, done at Brussels on 25 April 2007 and Washington on 30 April 2007.

*Provisional application:* 30.03.08 (BOE 148, 19.06.08).

*Note:* This is an agreement between the European Communities and their member States and the United States of America.

## **XX. LABOUR LAW AND SOCIAL SECURITY**

– Agreement between the Kingdom of Spain and New Zealand relating to the free exercise of remunerative activities by dependents of diplomatic, consular, administrative and technical employees of diplomatic missions and consular offices, done at Madrid on 12 April 2007 and Exchange of Notes dated 30 July 2007, interpretative of art. 2.a).

*Entry into force:* 17.02.08 (BOE 28, 1.02.08).

– Agreement between the Kingdom of Spain and the Republic of Colombia relating to the free exercise of remunerative activities by dependents of diplomatic, consular, administrative and technical employees of diplomatic missions and consular offices, done at Madrid on 21 June 2007.

*Provisional application:* 21.06.07 (BOE 175, 23.07.07).

*Entry into force:* 11.12.07 (BOE 37, 12.02.08).

– Convention on Social Security between the Kingdom of Spain and the Republic de Colombia, done at Bogotá on 6 September 2005.

*Instrument of ratification:* 30.03.07.

*Entry into force:* 1.03.08 (BOE 54, 3.03.08).

– Agreement between the Kingdom of Spain and the Dominican Republic relating to the free exercise of remunerative activities by dependents of diplomatic, consular, administrative and technical employees of diplomatic missions and consular offices, done at Madrid on 15 September 2003.

*Entry into force:* 26.05.08 (BOE 151, 23.06.08).

– Administrative Agreement for the application of the Convention on Social Security between the Republic of Peru and the Kingdom of Spain, done at Madrid on 18 April 2007.

*Entry into force:* 1.07.08 (BOE 158, 1.07.08).

– Convention on Social Security between Spain and Romania, done at Madrid on 24 January 2006.

*Instrument of ratification:* 15.01.07.

*Entry into force:* 21.08.08 (BOE 197, 15.08.08).

## **XXI. CRIMINAL LAW**

– Convention on the transfer of sentenced persons between the Kingdom of Spain and the Republic of Yemen, done at Madrid on 18 October 2007.

*Entry into force:* 1.03.08 (BOE 33, 7.02.08).

– Agreement between the Kingdom of Spain and the Republic of Portugal on trans-boundary co-operation in criminal and fiscal matters, done *ad referendum* at Evora on 19 November 2005.

*Entry into force:* 27.01.08 (BOE 67, 18.03.08).

– Convention on Extradition between the People's Democratic Republic of Algeria and the Kingdom of Spain, done at Algiers on 12 December 2006.

*Instrument of ratification:* 12.05.08.

*Entry into force:* 8.08.08 (BOE 178, 24.07.08).

## **XXII. TAX LAW**

– Convention between the Kingdom of Spain and Malaysia for the avoidance of double taxation and the prevention of tax evasion in relation to taxes on income, done at Madrid on 24 May 2006.

*Entry into force:* 28.12.07 (BOE 38, 13.02.08).

– Convention between the Kingdom of Spain and the Republic of South Africa for the avoidance of double taxation and the prevention of tax evasion in relation to taxes on income and on capital and Protocol, done at Madrid on 23 June 2006.

*Entry into force:* 28.12.07 (BOE 40, 15.02.08).

– Convention between the Kingdom of Spain and the Kingdom of Saudi Arabia for the avoidance of double taxation and the prevention of tax evasion in relation to taxes on income and on capital, done at Madrid on 19 June 2007.

*Entry into force:* 1.10.08 (BOE 169, 14.07.08).

– Convention between the Kingdom of Spain and the Republic of Colombia for the avoidance of double taxation and the prevention of tax evasion in relation to taxes on income and on capital, done at Bogotá on 31 March 2005.

*Instrument of ratification:* 8.07.08.

*Entry into force:* 23.10.08 (BOE 260, 28.10.08).

– Denouncement of the Convention between Spain and Denmark for the avoidance of double taxation in relation to taxes on income and on capital, signed at Copenhagen on 3 July 1972, and Protocol of modification dated 17 March 1999.

*Entry into force:* 1.01.09 (BOE 279, 19.11.08).