

# *Spanish Municipal Legislation Concerning Matters of Public International Law, 2009*

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This survey covers aspects of Spanish municipal legislation relating to Public International Law. Only relevant aspects are quoted or mentioned, with an unofficial translation or a reference to the *Boletín Oficial del Estado* (Official Journal of the State).

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

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

– Resolution of 4 March 2009 passed by the Spanish Technical Secretariat-General on implementation of Article 32 of Decree 801/1972 regulating the activity of the State Administration regarding international treaties (*BOE* 66, 18.03.09 and *corr. of errors* *BOE* 88, 10/04/09).

*Note:* This Resolution provides for publication, in the public interest, of communications of third State actions regarding multilateral treaties to which Spain is party and received by the Spanish Ministry of Foreign Affairs and Cooperation from 1 September 2008 to 31 December 2008.

– Resolution of 4 November 2009 passed by the Spanish Technical Secretariat-General on implementation of Article 32 of Decree 801/1972 regulating the activity of the State Administration regarding international treaties (*BOE* 274, 13/11/09).

*Note:* This Resolution provides for publication, in the public interest, of communications of third States actions regarding multilateral treaties to which Spain is party and received by the Spanish Ministry of Foreign Affairs and Cooperation from 1 January 2009 to 31 August 2009.

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

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

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

#### **1. Aliens**

– Resolution of 6 April 2009 of the General Directorate of Emigration and the National Institute of Social Security amending the 25 February 2008 Resolution regulating the procedure by which to gain access to healthcare for returnees and for Spanish old-age pensioners and salaried workers residing abroad who are temporarily in national territory (*BOE* 108, 4/05/09).

– Royal Decree 1161/2009 of 10 July amending Royal Decree 240/2007 of 16 February on entry, free circulation and residence in Spain of nationals of Member States of the European Union and other States Party to the Agreement on the European Economic Area (*BOE* 177, 23/07/09).

– Royal Decree 1162/2009 of 10 December adopting the Regulation of Organic Act 4/2000 of 11 January on the Rights, Freedoms and Social Integration of Aliens in Spain (*BOE* 2393, 30 and 177, 23/07/2009).

– Act 12/2009, of 30 October on the right of Asylum and subsidiary protection (*BOE* 263, 31/10/09).

– Organic Act 2/2009 of 11 December amending Organic Act 4/2000 of 11 January on the Rights and Freedoms and social integration of aliens in Spain (*BOE* 299, 12/12/09).

#### **2. Human Rights**

– Royal Decree 294/2009 of 6 March regulating the awarding of a direct subsidy to the Autonomous Community of the Canary Islands for the transfer and reception of non-accompanied alien minors (*BOE* 69, 21/03/09).

– Royal Decree 899/2009 of 22 May approving the charter of rights of users of electronic communication services (*BOE* 131, 30/05/09).

– Act 10/2009 of 30 June on the finding and identification of persons who went missing during the Civil War and Franco Dictatorship dignifying common graves in the Autonomous Community of Catalonia (*BOE* 186, 3/08/09).

- Act 9/2009 of 6 October lengthening the duration of paternity leave in the case of birth, adoption or foster care (*BOE* 242, 7/10/09).
- Royal Decree 1548/2009 of 9 October amending Royal Decree 294/2009 of 6 March regulating the awarding of a direct subsidy to the Autonomous Community of the Canary Islands for the transfer and reception of non-accompanied alien minors (*BOE* 259, 27/10/09).
- Foral Act 12/2009 of the Autonomous Community of Navarre of 19 November on non-discrimination for reason of gender and recognition of the rights of transsexual persons (*BOE* 307, 22/12/09).

## VI. STATE ORGANS

### 1. Central organs

- Royal Decree 2092/2008 of 19 December amending Royal Decree 95/2006 of 3 February setting up the Commission for the commemoration of the Bicentennial of the Spanish Constitution of 1812 (*BOE* n. 4, 5/01/09).

- Royal Decree 245/2009 of 27 February amending Royal Decree 230/2008 of 15 February regulating the General Council for Spanish citizenship abroad (*BOE* 59, 10/03/09).

*Note:* Following the administrative reorganisation pursuant to Royal Decrees 432/2008 of 12 April restructuring ministerial departments and secretaries of state and 438/2008 of 14 April approving the basic organisational structure of the ministries, it became necessary to adapt Royal Decree 230/2008 to the new names and responsibilities, especially of the General Department of Consular Affairs and Assistance and the establishment of the Ministry of Equality and the Ministry of Science and Innovation.

- Royal Decree 542/2009, of 7 April, restructuring ministerial departments (*BOE* 85, 7/04/09 and *corr. of errors BOE* 97, 21/04/09).

- Royal Decree 543/2009 of 7 April on the Vice-presidencies of the Government (*BOE* 85, 7/04/09).

- Royal Decree 637/2009 of 17 April amending Royal Decree 542/2009 of 7 April restructuring ministerial departments (*BOE* 97, 21/04/09).

- Royal Decree 640/2009 of 17 April implementing Royal Decree 542/2009 of 7 April restructuring some ministerial departments and amending Royal Decree 438/2008 of 14 April on the basic organizational structure of the ministerial departments (*BOE* 100, 24/04/09).

- Royal Decree 638/2009 of 17 April amending Royal Decree 1370/2008 of 1 August concerning the organizational structure of the Presidency of the Government and implementing Royal Decree 542/2009 of 7 April restructuring ministerial departments (*BOE* 112, 8/05/09).
  - Royal Decree 901/2009 of 22 May on the organization, functions and job posts corresponding to the Departments of the Ministry of Environment and Rural and Marine Affairs abroad (*BOE* 125, 23/05/09).
  - Royal Decree 1037/2009 of 29 June amending and implementing the basic organizational structure of the Ministry of Infrastructure and Transport (*BOE* 157, 30/06/09).
  - Royal Decree 1038/2009 of 29 June amending Royal Decree 1182/2008 of 11 July implementing the basic organizational structure of the Ministry of Industry, Tourism and Trade (*BOE* 157, 30/06/09).
  - Royal Decree 1039/2009 of 29 June implementing the basic organizational structure of the Ministry of the Presidency and amending Royal Decree 438/2008 of 14 April on the basic organizational structure of the ministerial departments (*BOE* 157, 30/06/09).
  - Royal Decree 1040/2009 of 29 June implementing the basic organizational structure of the Ministry for Public Administration and amending Royal Decree 438/2008 of 14 April on the basic organizational structure of the ministerial departments (*BOE* 157, 30/06/09).
  - Royal Decree 1041/2009 of 29 June implementing the basic organizational structure of the Ministry of Health and Social Affairs and amending Royal Decree 438/2008 of 14 April on the basic organizational structure of the ministerial departments (*BOE* 157, 30/06/09).
  - Royal Decree 1042/2009 of 29 June implementing the basic organizational structure of the Ministry of Science and Innovation (*BOE* 157, 30/06/09).
  - Order DEF/1951/2009 of 15 July setting up the Commission for the Coordination of the international activity of the Ministry of Defence (*BOE* 176, 22/07/09) (and *corr. of errors* *BOE* 209, 29/08/09).
  - Reform of the Spanish Congress of Deputies Regulation amending article 46.1 (*BOE* 256, 23/10/09).
- Note:* Article 46.1 of the Congress of Deputies Regulation shall read as follows:

“Article 46.

1. The Permanent Legislative Commissions will be the following:

1st. Constitutional.

2nd. Foreign Affairs.

3rd. Justice.

4th. Internal Affairs.

5th. Defence.

6th. Economy and Finances.

7th. Budget.

8th. Development.

9th. Education and Sport.

10th. Labour and Immigration.

11th. Industry, Tourism and Trade.

12th. Environment, Agriculture and Fisheries.

13th. Public Administration.

14th. Culture.

15th. Health and Social and Consumer Affairs.

16th. Housing.

17th. Science and Innovation.

18th. Equality.

19th. International Development Cooperation.”

– Reform of the Spanish Senate Regulation amending article 49.2 (*BOE* 284, 25/11/09).

*Note:* This article shall read as follows:

“2. The General Commission of the Autonomous Communities and the following shall be Legislative Commissions:

Constitutional.

Foreign Affairs.

Justice.

Defence.

Economy and Finance.

Budget.

Internal Affairs.

Development.

Education and Sport.

Labour and Immigration.

Industry, Tourism and Trade.

Environment, Agriculture and Fisheries.

Public Administration.

Culture.

Health, Social and Consumer Affairs.

Housing.

Science and Innovation.  
 Equality.  
 Municipal Entities.  
 International Development Cooperation.

– Royal Decree 1854/2009 of 4 December amending Royal Decree 1129/2008 of 4 July on the implementation of the basic organizational structure of the Spanish Ministry of Labour and Immigration and Royal Decree 438/2008 of 14 April adopting the basic organizational structure of ministerial departments (*BOE* 293, 5/12/09).

*Note:* Article 1.3 shall read as follows: “3. The Ministry for Labour and Immigration, under the leaderships of the person responsible for this Department, discharges its legal duties through these high-level administrative bodies:

- a) State Secretariat for Social Security.
- b) State Secretariat for Immigration and Emigration.
- c) Undersecretary Office for Labour and Immigration.
- d) General Secretariat for Employment (Undersecretary).
- e) Social Dialogue Board (General Secretary).”

## 2. Diplomatic Relations

– Royal Decree 2132/2008 of 26 December setting up the Section of Labour and Immigration Affairs at the Permanent Diplomatic Mission of Spain in the Republic of Uruguay (*BOE* n. 23, 27/01/09).

– Royal Decree 976/2009 of 12 June eliminating the Labour and Social Affairs Section of the Permanent Diplomatic Mission of Spain in Costa Rica and changing the name of the so-called Sections of the Ministry of Labour and Immigration abroad (*BOE* 153, 25/06/09).

– Royal Decree 1258/2009 of 24 July setting up the Tourism Section at the Permanent Diplomatic Mission of Spain in Canton (People’s Republic of China) (*BOE* 188, 5/08/09).

– Order TIN/2523/2009 of 16 September setting up the paying authority in the Section of Labour and Immigration Affairs at the Permanent Diplomatic Mission of Spain in the Republic of Uruguay (*BOE* 230, 23/09/09).

– Order AEC/2955/2009 of 26 October setting up the Labour and Immigration Affairs Section at the Permanent Diplomatic Mission of Spain in San José (Costa Rica) and eliminating the Labour and Social Affairs Section at the Spanish Consulate of Spain in Montevideo (*BOE* 267, 5/11/09).

- Order TIN/3320/2009, of 2 December, setting up the paying authority in the Labour and Immigration Affairs Section at the Permanent Diplomatic Mission of Spain in Costa Rica (*BOE* 299, 12/12/09).
- Order AEC/3453/2009 of 17 November setting up the Training Centre of the Spanish International Cooperation Agency for Development in Bamako at Spain's Permanent Diplomatic Mission in the Republic of Mali (*BOE* 307, 22/12/09).
- Order AEC/3454/2009 of 17 November setting up the Training Centre of the Spanish International Cooperation Agency for Development in Tangier at Spain's Permanent Diplomatic Mission in the Kingdom of Morocco (*BOE* 307, 22/12/09).
- Order AEC/3455/2009 of 17 November setting up the Technical Cooperation Office of the Spanish International Cooperation Agency for Development at Spain's Permanent Diplomatic Mission in the Kingdom of Cambodia (*BOE* 307, 22/12/09).
- Order AEC/3456/2009 of 17 November setting up the Technical Cooperation Office of the Spanish International Cooperation Agency for Development at Spain's Permanent Diplomatic Mission in the Democratic Republic of Congo (*BOE* 307, 22/12/09).

### **3. Consular Relations**

- Order AEC/34/2009 of 15 January eliminating the Honorary Consulate of Spain in Santa Cruz de la Sierra (Bolivia) (*BOE* 20, 23/01/09).
- Order AEC/1419/2009 of 25 May eliminating the Honorary Consulate of Spain in Guayaquil (Ecuador) (*BOE* 133, 2/06/09).
- Order AEC/2040/2009 of 17 July eliminating the Honorary Consular Office of Spain in Skopje (Former Yugoslav Republic of Macedonia) (*BOE* 182, 29/07/09).
- Order AEC/2282/2009 of 12 August eliminating the Consular Office of Spain in New Orleans (United States) (*BOE* 203, 22/08/09 and *corr. of errors* *BOE* 209, 29/08/09).
- Order AEC/3075/2009 of 27 October eliminating the Honorary Vice-consular Office of Spain in Bamako (Republic of Mali) (*BOE* 277, 17/11/09).
- Order AEC/3349/2009 of 18 November eliminating the Honorary Consular Office of Spain in Tallinn (Estonia) (*BOE* 301, 15/12/09).

– Order AEC/3350/2009 of 26 November amending Order AEC/1416/2009 22 May setting up an Honorary Consular Office of Spain at the Island of San Martin (*BOE* 301, 15/12/09 and *corr. of errors BOE* 207, 27/08/09).

– Orders creating the following Honorary Consular Offices:

Austria:

– Innsbruck, Order AEC/1417/2009 of 22 May (*BOE* 133, 2/06/09).

Bulgaria:

– Varna, Order AEC/3074/2009 of 27 October (*BOE* 277, 17/11/09).

Ecuador:

– Salinas, Order AEC/1418/2009 of 25 May (*BOE* 133, 2/06/09).

Israel:

– Beer Sheva, Order AEC/3421/2009 of 27 November (*BOE* 306, 21/12/09).

Jamaica:

– San Martin Island, Order AEC/1416/2009 of 22 May (*BOE* 133, 2/06/09).

Oman:

– Salalah, Order AEC/2826/2009 of 5 October (*BOE* 256, 23/10/09).

## **5. Relations with International Organizations**

### **6. Other Organs of the State**

– Royal Decree 430/2009 of 27 March creating the Internationalization Observatory (*BOE* 98, 22/04/09).

*Note:* Revamping of the trade and investment map and each country's productive and commercial specialisation will also be affected by the results of the different multilateral negotiations currently under way. Negotiations at the World Trade Organisation and the different economic integration agreements, the creation of free trade areas and the conclusion of international negotiations and meetings related to the crisis may alter the framework of action for companies operating in international markets.

Also, the progressive and growing openness of the Spanish economy means that the latter is more exposed to these changes and therefore calls for close monitoring and analysis of opportunities abroad as a way to prioritise geographical and sectoral actions in the area of internationalisation with a view to increasing and strengthening the competitive advantage of Spanish companies and bolstering the competitiveness of the economy in general.

As a result, in compliance with the proposal made by the aforementioned Subcommittee of the Congress of Deputies and with a view to strengthening the internationalisation of Spanish companies by supporting their activity abroad, it has become necessary to devise a body in which the Administration and economic operators take part to effectively monitor the geographical and sectoral trends of international trade and investment flows as well as the needs of exporters to adapt to those trends with special focus on SMEs allowing the Spanish administration to adopt measures and actions intended to promote the internationalisation of Spanish companies.

- Royal Decree 561/2009 of 8 April on the Statute of Spain's Institute of Tourism (and *corr. of errors* BOE 118, 15/05/09).
- Act 4/2009 of 24 April of the Canary Islands on International Development Cooperation (BOE 132, 1/06/09).
- Order PRE/1597/2009 of 15 June setting up the Spanish Government's Human Rights Plan Monitoring Committee (BOE 145, 16/06/09).
- Royal Decree 1044/2009 of 29 June, amending Royal Decree 1262/2007 of 21 September on the makeup, competencies and duties of the Council for the Promotion of Equal Treatment and personal non-discrimination based on racial and ethnic origin (BOE 177, 23/07/09).
- Act 10/2009 of 20 November setting up the Valencia Committee to deal with European Issues (BOE 301, 15/12/09).

## VII. TERRITORY

### 1. Air

- Royal Decree 241/2009 of 2 March amending Royal Decree 270/2000 of 25 February laying down the conditions for the discharge of duties by civil aircraft flight personnel and to introduce the aeronautics degree and aircraft pilot license with multiple crew and language competency requirement (BOE 63, 14/03/09).
- Royal Decree 98/2009 of 6 February establishing the aeronautic inspection regulation (BOE 106, 1/05/09).
- Order PRE/2397/2009 of 10 September authorising the Ciudad Real Airport as a border post (BOE 221, 12/09/09).

## VIII. SEAS, WATERWAYS, SHIPS

– Order ARM/1020/2009 of 22 April amending Order APA/678/2004 of 5 March regulating fisheries using seiners in national fishing grounds of the Mediterranean Sea (*BOE* 103, 28/04/09).

– Royal Decree 1549/2009 of 9 October on the organization of the fishery sector and its adaptation to the European Fisheries Fund (*BOE* 245, 10/10/09 and *BOE* 261, 29/10/09).

– Order ARM/3145/2009 of 19 November regulating the implementation of the electronic register and electronic data transmission pertaining to the activity of Spanish fishing vessels (*BOE* 283, 24/11/09).

– Royal Decree 1822/2009 of 27 November regulating the first sale of fishery products (*BOE* 306, 21/12/09).

*Note:* The aim of this Royal Decree is to regulate the first sale of fishery products caught by European Union vessels when landing or discharging in national territory and first sales of fishery products caught by third country vessels fishing in Community waters.

– Order ARM/3522/2009 of 23 December regulating the procedure controlling access of third country fishing vessels to Spanish ports and the import-export of fishery products to prevent, discourage and eliminate illegal, undeclared and non-regulated fisheries (*BOE* 315, 31/12/09).

## IX. INTERNATIONAL SPACES

## X. ENVIRONMENT

### 1. General

– Resolution of 20 January 2009 of the State Secretariat for Climate Change publishing the Council of Ministers Agreement approving the National Integrated Plan on Waste for the period 2008–2015 (*BOE* 49, 26/02/09).

– Act 3/2009 of 24 April of the Canary Islands Agency on Sustainable Development and Climate Change (*BOE* 132, 1/06/09).

– Royal Decree 1043/2009 of 29 June on the broadening of duties and services devolved from the Central Government to the Autonomous Community of the Balearic Islands in connection with nature conservation (National Maritime-Terrestrial Park of the Cabrera Archipelago) (*BOE* 157, 30/06/09 and *corr. of errors* *BOE* 160, 03/07/09).

- Royal Decree 1514/2009 of 2 October regulating the protection of ground water against pollution and deterioration (*BOE* 255, 22/10/09).
- Order PRE/2827/2009 of 19 October amending the amounts of the sectoral allocation laid down in the National Plan for the allocation of greenhouse gas emission rights 2008-2012 adopted by Royal Decree 1370/2006 of 24 November (*BOE* 256, 23/10/09).
- Royal Decree 1550/2009 of 9 October on the broadening of duties and services devolved from the Central Government to the Autonomous Community of the Canary Islands in connection with nature conservation (Teide, Timanfaya, Caldera de Taburiente and Garajonay National Parks) (*BOE* 270, 9/11/09 and *corr. of errors BOE* 286, 27/11/09).

## **2. Fauna and Flora**

- Order ARM/1647/2009 of 15 June regulating the fishing of highly migratory species (*BOE* 150, 22/06/09 and *corr. of errors BOE* 183, 30/07/09).
- Royal Decree 1082/2009 of 3 July laying down the animal health requirements for the movement of animals from hunting, inland aquaculture and zoo facilities and wild animals (*BOE* 177, 23/07/09).
- Resolution of 31 July 2009 of the Directorate-General for the Natural Environment and Forestry Policy publishing the Council of Ministers Agreement of 5 June 2009 authorizing the inclusion of different Spanish wetlands located in the Autonomous Community of Andalusia on the list of the 2 February 1971 Ramsar Convention on Wetlands of International Importance and the conservation of migratory Waterbirds (*BOE* 202, 21/08/09).
- Order ARM/3521/2009 of 23 December declaring marine and maritime-terrestrial sites of Community importance of the Macaronesian Region of the Natura 2000 Network as special conservation areas, adopted by Commission Decisions 2002/11/CE of 28 December 2001 and 2008/95/CE of 25 January 2008 (*BOE* 315, 31/12/09).

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

## **1. General Provisions**

- Resolution of 28 May 2009 of the State Secretariat of Energy approving system 4.1 operational procedure and authorizing the application of the joint rules for the allocation of capacity for interconnection between France and Spain (IFE Rules) version 3.0. (*BOE* 131, 30/05/09).

– Royal Decree 1460/2009 of 28 September on the organization and operation of the Water and Sanitation Cooperation Fund (*BOE* 235, 29/09/09).

*Note:* In compliance with the Commitment adopted at the XVII Iberoamerican Summit.

– Royal Decree 1671/2009 of 6 November partially implementing Act 11/2007 of 22 June on free access to public services for citizens (*BOE* 278, 18/11/09).

## **2. Military and Defence Cooperation**

– Resolution 420/38240/2009 of 26 October passed by the Spanish Technical Secretariat-General, publishing the Council of Ministers Agreement of 2 October 2009 on the creation of a Centre to combat home-made explosives within the scope of the Ministry of Defence and its offer as an “Excellence Centre” to the North Atlantic Treaty Organization (*BOE* 263, 31/10/09).

## **3. Cultural Cooperation**

## **4. Tariffs and Trade Cooperation**

– Royal Decree 100/2009 of 6 February providing measures to facilitate the adaptation of workers in the footwear, leather and leatherwear manufacturing sector to structural changes in world trade (*BOE* 47, 24/02/09).

– Royal Decree 1678/2009 of 13 November providing measures to facilitate the adaptation of workers in the toy manufacturing sector to structural changes in world trade (*BOE* 288, 30/11/2009).

– Royal Decree 1679/2009 of 13 November providing measures to facilitate the adaptation of workers in the furniture manufacturing sector to structural changes in world trade (*BOE* 288, 30/11/2009).

– Order EHA/3422/2009 of 4 December establishing thresholds based on trade statistics between member States of the European Union during the year 2010 (*BOE* 306, 21/12/09).

## **5. Financial and Tax Cooperation**

– Resolution of 17 June 2009 providing for the application of the charging procedure and the conditions for the on-line payment of fees for the rendering of services and arrangement of CITES permits and certificates laid down in Act 32/2007 of 7 November for the care of animals during use, transport, experimentation and sacrifice (*BOE* 151, 23/06/09).

*Note:* The aim of this Resolution is to establish the charging procedure and conditions for the on-line payment of fees for the rendering of services and arrangement of permits and certificates within the sphere of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) laid down in the second additional provision of Act 32/2007 of 7 November for the care of animals during use, transport, experimentation and sacrifice.

– Legislative Decree 1/2009 of 1 September establishing the consolidated text of the provisions enacted by the Autonomous Community of Andalusia in respect of devolved taxes (*BOE* 229, 22/09/09).

Order EHA/2814/2009 of 15 October amending the Order of 5 June 2001 clarifying the inclusion of the tax on construction, installations and works in letter B) of paragraph 1 of Article IV of the Agreement between the Spanish State and the Holy See on economic affairs of 3 January 1979 (*BOE* 254, 21/10/09).

## **6. Sea Traffic and Transport**

– Royal Decree 170/2009 of 13 February on compensation for sea and air transport of the goods included in Annex I of the Treaty Establishing the European Community that originate in or are shipped to the Canary Islands (*BOE* 47, 24/02/09).

– Royal Decree 362/2009 of 20 March on compensation for sea and air transport of the goods not included in Annex I of the Treaty Establishing the European Community that originate in or are shipped to the Canary Islands (*BOE* 69, 21/03/2009).

*Note:* In light of the provision made for the first time in the 2007-2013 programming period of this fund to compensate additional expenditures burdening the outermost regions, and in order to allow co-financing of goods transport compensation with European Union funds, the purpose of this Royal Decree is to substitute the content of Royal Decree 199/2000 for those goods not included in Annex I of the Treaty Establishing the European Community which are the only ones which can receive aid eligible for co-financing with European Regional Development Fund for Outermost Regions. To that end, this Royal Decree refers exclusively to this type of goods and adapts to regulatory standards so as to be able to receive the aforementioned co-financing. Mention should be made that transport compensation for these goods has a different budgetary allocation from the goods included in Annex I and a specific budgetary management procedure.

## **7. Air Traffic and Transport**

– Royal Decree 98/2009 of 6 February establishing the aeronautic inspection regulation (*BOE* 48, 25/02/2009).

- Royal Decree 714/2009 of 24 April on the safety of aircraft from third countries using airports located in Spanish territory (*BOE* 112, 8/05/09).
- Royal Decree 862/2009 of 14 May establishing technical regulations for the design and operation of public aerodromes and regulating the certification of state-run airports (*BOE* 132, 1/06/09).
- Royal Decree 1516/2009 of 2 October regulating the Community air traffic controller's license (*BOE* 250, 16/10/09).
- Royal Decree 1666/2009 of 6 November regulating the direct awarding of reimbursable payments on account to the Spanish affiliate of Airbus SAS called Airbus Operations S.L. for its participation in the development programme of the new family of Airbus A350 XWB aircraft (*BOE* 270, 9/11/09).

## **8. Road Traffic and Transport**

- Resolution IRP/20/2009 of 14 January laying down regulatory measures for the movement and transport of goods on the roads of Catalonia for 2009 (*BOE* 32, 06/02/09).
- Order FOM/287/2009 of 9 February implementing the Regulation of the Land Transport (Organization) Act in connection with the provision of surety for persons who are not residents in Spanish territory and who commit infringements in Spain in connection with transport (*BOE* 41, 17/02/09).
- Royal Decree 243/2009 of 27 February regulating the surveillance and control of the transfer of radioactive waste and spent nuclear fuel between Member States or from or sent to a location outside of the European Community (*BOE* 80, 2/04/09).
- Royal Decree 713/2009 of 24 April laying down the criteria for the determination of tolls applied to certain vehicles transporting goods by road under a concession scheme of the State Road Network included in the Trans-European Road Network (*BOE* 112, 8/05/09).
- Act 15/2009 of 11 November on the hiring of land transport (*BOE* 273, 12/11/09).

## **9. Labour, Social Security and Immigration**

- Royal Decree 1463/2009 of 18 September on the devolvment of services and functions to the Autonomous Government of Catalonia (Generalitat of Catalonia) in respect of immigration matters: initial salaried or self-employed work permits

for aliens working in Catalonia (*BOE* 229, 22/09/09 and corr. of errors *BOE* 262, 30/10/2009).

– Royal Decree 1513/2009 of 2 October setting up a Special Convention on Social Security for workers of customs agencies affected by Spain's incorporation into the European Single Market (*BOE* 255, 22/10/09).

– Act 17/2009 of 23 November on freedom to provide services and their exercise (*BOE* 283, 24/11/09).

*Note:* This is one of several measures adopted by Spain for the transposition of the Bolkenstein Directive, i.e. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

– Act 25/2009 of 22 December amending some Acts regarding the freedom to provide services and their exercise (*BOE* 308, 23/12/09).

*Note:* This is one of several measures adopted by Spain for the transposition of the Bolkenstein Directive, i.e. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

## **10. Health and Relief Cooperation**

– Resolution of 19 December 2008 of the Presidency of the High Council for Sport approving the list of substances and methods prohibited in sports (*BOE* 1, 01/01/09).

– Royal Decree 641/2009 of 17 April regulating doping testing procedures and authorized analysis laboratories and establishing supplementary measures to prevent doping and protect health in sports (*BOE* 112, 8/05/09).

– Resolution of 27 May 2009 amending Annex II of the International Convention against doping in Sport, in force since 1 January 2009, signed in Paris on 18 November 2005 and published in the *BOE* No 41 of 16 February 2007 (*BOE* 131, 30/05/09).

– Order ARM/2166/2009 of 29 July amending Annex 2 of Royal Decree 2611/1996 of 20 December, regulating national programmes for the eradication of animal diseases (*BOE* 191, 8/08/09).

– Royal Decree 1462/2009 of 18 September, amending Royal Decree 641/2009 of 17 April regulating doping test procedures and authorized analysis laboratories and establishing supplementary measures to prevent doping and protect health in sports (*BOE* 227, 19/09/2009).

– Order SAS/3160/2009 of 16 November setting up the Exterior Health Computer System (*BOE* 285, 26/11/09).

- Order SAS/3166/2009 of 16 November amending the Annexes of Royal Decree 65/2006 of 30 January establishing the requirements for the import and export of biological samples (*BOE* 286, 27/11/09).
- Resolution of 18 December 2009 of the Presidency of the High Council for Sport approving the list of substances and methods prohibited in sports (*BOE* 310, 25/12/2009).
- Royal Decree 1856/2009 of 4 December on the procedure for the recognition, declaration and description of degrees of disability, amending Royal Decree 1971/1999 of 23 December (*BOE* 311, 26/12/09).

## 11. Civil and Criminal Cooperation

- Act 4/2009 of 15 June on the control of drug precursors (*BOE* 145, 16/06/09).
- Royal Decree 1586/2009 of 16 October amending Royal Decree 1553/2005 of 23 December regulating the issue of the national identity document and electronic signature certificates (*BOE* 265, 3/11/09).

### *Note:*

Since the entry into force of Royal Decree 1553/2005 of 23 December regulating the issue of the National Identity Card and electronic signature certificates, citizens have requested the lengthening of the period of validity of literal birth certificates required for the issue of the said document. These requests have been collected by several institutions and communicated to the Ministry of Internal Affairs through the General Directorate of Police and Civil Guard.

Given that meeting these demands have no negative effect on the general procedure followed in the issue of the National Identity Card and do not entail any variation in the process followed by citizens for the issue or renovation of the said document, and also considering that this could benefit the citizenry in general, it was deemed appropriate to amend the regulation as requested.

It was also deemed appropriate to incorporate in this Royal Decree the Instruction of the Directorate-General for Registries and Notaries agreeing to specifically stipulate that literal copies of birth certificates issued by Judges and Consuls in charge of Spanish Civil Registries are for the sole purpose of obtaining a National Identity Card.

It was also necessary to standardise and unify criteria concerning some requirements for issue of the National Identity Card such as the photograph. While not slowing down the process, such standardisation also makes things clearer for citizens and officials in charge of processing these documents.

Paragraphs a) and b) of Article 5(1) of Royal Decree 1553/2005 of 23 December regulating the issue of the National Identity Card and its electronic signature certificates shall read as follows:

- “a) Literal birth certificate issued by the corresponding Civil Registry. Only certificates issued a maximum of six months before the date of application

for a National Identity Card will be admitted. Moreover, such certificates much expressly state that they were issued for the sole purpose of obtaining the said document.

- b) A recent colour photograph of the face of the applicant measuring 32 by 26 mm with a uniform white background. The photograph must be a frontal shot with no sort of head covering, no dark glasses or any other piece of clothing which could prevent or hinder the identification of the person.”

– Organic Act 1/2009 of 3 November, complementary to the Act reforming procedural law for the implementation of the new Judicial Office amending Organic Act 6/1985 of 1 July on the Judiciary (*BOE* 266, 4/11/09).

*Note:* In compliance with the mandate issued by the Congress of Deputies by virtue of the Resolution adopted on 19 May 2009 at the State of the Nation Debate, a change was made in the treatment of what has been referred to as “universal jurisdiction” by means of the amendment of Article 23 of the Organic Act on the Judiciary in order to incorporate certain types of crimes which were not previously included and whose prosecution is backed by conventions and customary rules of international law, such as crimes against humanity and war crimes. The reform also allows for the adaptation and clarification of the precept in accordance with the subsidiarity principle and Constitutional Court doctrine and Supreme Court case law.

Organic Act 6/1985, of 1 July on the Judiciary is amended as follows:

One. Article 23(4) and (5) shall read as follows:

“4. The Spanish Courts shall be competent to hear crimes committed by Spaniards or foreign subjects outside of national territory which are described under Spanish Law such as any of the following:

- a) Genocide and crimes against humanity.
- b) Terrorism.
- c) Piracy and Aircraft Hijacking.
- d) Crimes relating to prostitution and corruption of minors and disabled persons.
- e) Illegal trafficking in psychotropic, toxic and narcotic drugs.
- f) Illegal trafficking or clandestine immigration of persons, regardless of whether they are workers.
- g) Crimes related to female genital mutilation, provided that the parties responsible are found in Spain.
- h) Any other crimes that, in accordance with treaties and international conventions, in particular those conventions concerning international humanitarian law and human rights protection, should be prosecuted in Spain.

Without prejudice to the provisions of treaties and international conventions concluded by Spain allowing Spanish Courts to hear the crimes listed in the foregoing, evidence should be furnished that the alleged defendants are in Spain or that there are victims of Spanish nationality or some other relevant connection with

Spain and, in any case, that no legal proceeding has been initiated in the other competent country or by an international tribunal ensuring an investigation and effective prosecution, if relevant, of the punishable acts.

The criminal proceeding initiated under Spanish jurisdiction shall provisionally be suspended when it is learned that another proceeding has been initiated with regard to the reported acts in the country or by the Tribunal alluded to in the preceding paragraph.

5. If a criminal case is heard in Spain for acts regulated under paragraphs 3 and 4 above it will, in any case, be in application of the provisions of paragraph 2 c) of this Article.”

Article three.

A new Sole Final Provision is added to Organic Act 3/1981 of 6 April on the People’s Ombudsman.

Sole final provision. *National Mechanism for the Prevention of Torture.*

One. The People’s Ombudsman shall discharge the duties assigned to the National Mechanism for the Prevention of Torture in accordance with the Spanish Constitution, this Act and the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Two. An Advisory Council will be created as the technical and legal cooperation body in the discharge of the National Prevention Mechanism’s duties and will be chaired by the Deputy in whom the People’s Ombudsman delegates the duties envisaged in this provision. The Regulation shall determine its structure, composition and operation.

## **XII. INTERNATIONAL ORGANIZATIONS**

### **XIII. EUROPEAN UNION**

– Royal Decree 37/2009 of 23 January setting up the Delegate Commission of the Government for the Spanish Presidency of the European Union in the year 2010 (*BOE* 21, 24/01/09).

– Order EHA/361/2009 of 12 February ordering the issue, coining and circulation of collector’s coins with the slogan “European Heritage” (*BOE* 45, 21/02/09).

– Royal Decree 482/2009 of 3 April on the election of representatives to the European Parliament (*BOE* 91, 14/04/09).

*Note:* Elections will be held on Sunday 7 June 2009. Spain will elect 50 deputies to the European Parliament.

– Order EHA/938/2009 of 1 April ordering the issue, coining and circulation of 2-euro collector’s coins commemorating the X Anniversary of the Economic and Monetary Union (*BOE* 93, 16/04/09).

– Organic Act 1/2008 of 30 July authorizing Spain’s ratification of the Lisbon Treaty and amending the Treaty on European Union and the Treaty establishing the European Community signed at Lisbon on 13 December (*corr. of errors BOE 98, 22/04/09*).

– Order INT/1025/2009 of 28 April modifying the ballot for European Parliamentary elections set out in Annex 3 of Royal Decree 605/1999 of 16 April on the supplementary regulation of electoral processes (*BOE 104, 29/04/09*).

*Note:* Cognoscente of the need to rationalise the production of electoral material (given that it is sometimes difficult to balance efficiency and cost effectiveness criteria) and the need to facilitate the work of the members of the polling stations, in preparation for the 7 June 2009 European Parliamentary elections the Home Ministry has asked the Central Electoral Board for computer equipment for the polling stations in the cities of Lleida, Salamanca and Pontevedra.

This computer equipment, listed under the general heading “Electronically Managed Polling Site” allows for improvements and facilitates management of the tasks that members of the polling site must perform on election’s day. Specifically, having regard to electoral ballots, it permits the printing of ballots by the Electoral Board itself in the event this material should run out on election day and, by means of a bar code system, enables the counting of votes by means of an optic reader.

These new Electoral Board tools require certain modifications in the ballot format to provide for the inclusion of bar codes which will be a huge help in counting votes and will reduce possible human error in that process.

– Order FOM/1778/2009 of 12 May updating the technical conditions laid down in Royal Decree 809/1999 of 14 May regulating the requirements to be met by teams of sailors called on to man vessels in accordance with Directive 2008/67/EC (*BOE 161, 04/07/09*).

– Royal Decree 1161/2009 of 10 July amending Royal Decree 240/2007 of 16 February on the entry, free circulation and residence in Spain of citizens of European Union Member States and of other States party to the Agreement on the European Economic Area (*BOE 177, 23/07/09*).

– Order EHA/2472/2009 of 8 September ordering the issue, coining and circulation of 1 and 2 euro coins and 1, 2, 5, 10, 20 and 50 cent coins intended for circulation (*BOE 226, 18/09/09*).

– Resolution of 8 September 2009 passed by the Spanish Technical Secretariat-General publishing the Administrative Agreement between the Ministry of Foreign Affairs and Cooperation of Spain and the Directorate General of External Relations of the Commission of the European Communities concerning the Decision of the Commission C (2008) 6866 of 12 November 2008 on outstanding national experts “free of charge” at the Delegations of the external service of the Commission (*BOE 231, 24/09/09*).

- Order EHA/3423/2009 of 9 December ordering the issue, coining and circulation of 2-euro coins commemorating the historic city centre of Córdoba (*BOE* 306, 21/12/09).
- Act 24/2009 of 22 December amending Act 8/1994 of 19 May regulating the Joint Committee on the European Union for adaptation to the Lisbon Treaty of 13 December 2007 (*BOE* 308, 23/12/09).
- Order EHA/3508/2009 of 16 December ordering the issue, coining and circulation of 2 and 1 euro collector's coins commemorating the Spanish Presidency of the European Union 2010 (*BOE* 314, 30/12/09).

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

- Order INT/537/2009 of 2 March amending Order INT/1390/2007 of 11 May establishing the compensation awarded to personnel taking part or cooperating in police technical assistance, peace-keeping, security and humanitarian operations or evacuation of persons abroad (*BOE* 57, 7/03/09).
- Act 3/2009 of 14 April amending Act 1/2004 of 24 May on aid to victims of terrorism (*BOE* 110, 6/05/09).

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

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

- Royal Decree 1540/2009 of 8 October declaring an official mourning period for the death of a member of the Spanish military contingent in the International Security Assistance Force in Afghanistan (ISAF) (*BOE* 244, 9/10/09).
- Royal Decree 1628/2009 of 30 October amending several articles of the Regulation on Private Security adopted by Royal Decree 2364/1994 of 9 December and of the Arms Regulation adopted by Royal Decree 137/1993 of 29 January (*BOE* 263, 31/10/09).

*Note:*

Recent attacks were suffered by Spanish fishing vessels working in waters where the life and safety of crew members calls for the adoption of measures to improve the security of the said vessels and their crew members through the use of measures aimed at preventing and deterring possible attacks. These attacks have taken place in international waters off the coast of Somalia and have involved the use of weapons of war thus calling for, owing to the magnitude and nature of the threat, the use of suitable and proportional means of defence against this sort of aggression.

– Order PRE/2914/2009 of 30 October implementing Royal Decree 1628/2009 of 30 October amending some aspects of the Regulation on Private Security adopted by Royal Decree 2364/1994 of 9 December and of the Arms Regulation adopted by Royal Decree 137/1993 of 29 January (*BOE* 264, 2/11/09).

*Note:* The aim of this reform is to bolster security on-board Spanish flagships outside of our territorial waters and in situations of special risk to persons and property by allowing security company personnel on board and sufficient weaponry to effectively discharge their protection and prevention duties.

The first article of this Royal Decree adds a new paragraph 9 to Article 81(1) c) of the Private Security Regulation allowing armed security services on board merchant and fishing vessels sailing under the Spanish flag in waters where persons and property are subject to serious risk. Article 86 of the aforementioned Regulation is likewise amended by introducing a new paragraph 4 providing that private security officers, under exceptional circumstances, may carry and use weapons of war in order to ensure the protection of the persons and properties alluded to in Article 81 in accordance with the characteristics, conditions and requirements laid down jointly by the Ministry of Defence and the Home Ministry.

## **XVII. WAR AND NEUTRALITY**

– Royal Decree 2134/2008, of 26 December regulating the procedure whereby to return documents confiscated during the Civil War to private citizens (*BOE* 9, 10/01/09).

– Royal Decree 96/2009 of 6 February establishing Royal Ordinances for the Armed Forces (*BOE* 33, 07/02/09).

– Order PRE/1263/2009 of 21 May updating supplementary technical instruction numbers 2 and 15 of the Explosives Regulation adopted by Royal Decree 230/1998 of 16 February (*BOE* 124, 22/05/09).

– Order PRE/3279/2009 of 4 December publishing the Institutional Declaration recognising the role of members of the Armed Forces in the transition to democracy with special mention of the Democratic Military Union (Spanish acronym UMD) (*BOE* 293, 5/12/09).

*Note:* The Congress of Deputies urges the Government to take the necessary steps to honour military personnel who actively collaborated in the process leading up to Spain's democratic regime with special recognition of those who risked their careers, promotions and even their personal freedom to defend these ideals, such as the members of the Democratic Military Union (UMD), and to make details of their personal and professional sacrifice known to the public.