

Spanish Municipal Legislation Concerning Matters of Public International Law, 2008

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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 14 February 2008, 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* 46, 22.02.08).

Note: This Resolution provides for publication, in the public interest, of communications of third State actions regarding multilateral treaties to which Spain is party, received by the Spanish Ministry of Foreign Affairs and Cooperation from 1 September 2007 to 31 December 2007.

– Resolution of 16 June 2008, 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* 154, 26.06.08).

Note: This Resolution provides for publication, in the public interest, of communications of third State actions regarding multilateral treaties to which Spain is party, received by the Spanish Ministry of Foreign Affairs and Cooperation from 1 January 2008 to 30 April 2008.

– Resolution dated 24 October 2008, 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* 269, 7.11.08).

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

Note: See also “Treaties to which Spain is a Party Concerning Matters of Public International Law, 2008”, in particular the sections concerning International Human Rights, Seas, Waterways and Ships, Environment, Legal Aspects of International Cooperation and International Organizations.

III. THE RELATIONSHIP BETWEEN INTERNATIONAL LAW AND MUNICIPAL LAW

– Royal Decree 181/2008, 8 February, on the official daily *Boletín Oficial del Estado* (BOE 37, 12.02.08).

Note: This Royal Decree not only validates the electronic edition of the Official Journal of the State in our legal and institutional reality, but also includes part of Royal Decree 1511/1986, of 6 June on the Official Journal of the State, regarding features, content structure and publication procedure, all aspects which, in substance, are applicable to the electronic edition, appropriately revising them on the basis of experience regarding their application and adapting them to the new technical media set forth today. For the purpose of greater regulatory clarity, it has been decided to regulate the Official Journal under one single regulation, which will involve abolishment of the Royal Decree valid to date.

Article 6. *Content*

1. The «*Boletín Oficial del Estado*» will publish:
 - a) The general provisions of State bodies and International Treaties and Conventions.
 - b) The general provisions of the Autonomous Communities, as set forth in their Autonomy Statutes and in provisions of Law established for their implementation.
 - c) The resolutions and acts of the bodies that constitute the State, in accordance with the provisions of their respective organic Laws.
 - d) Provisions, not general in nature, resolutions and acts of the ministerial departments and other State and public Administration bodies, when established by Royal Decree.
 - e) Calls, citations, requirements and announcements when established by Act or Royal Decree.
2. The Council of Ministers may, on an exceptional basis, order the publication of reports, documents and official communications, whose dissemination is considered to be in the general interest.

Article 7. *Structure of the Official Daily*

1. The content of the «*Boletín Oficial del Estado*» is broken down into the following sections:
 - Section I: General provisions
 - Section II: Authorities and Personnel
 - Section III: Other Provisions

Section IV: Administration of Justice

Section V: Announcements

2. There will also be an independent supplement in which the decisions, declarations and orders of the Constitutional Court shall be published in accordance with the terms as provided in its Organic Law.

Article 8. *Sections*

1. Section I shall include:
 - a) Organic laws, laws, legislative royal decrees and royal decree laws
 - b) Treaties and International Conventions
 - c) Laws of the legislative assemblies of the Autonomous Communities
 - d) Regulations and other general provisions
 - e) Regulations issued by the governing councils of the Autonomous Communities
2. Section II shall be made up of two sub-sections:
 - a) Appointments, status and incidents
 - b) Public Sector employment examinations and competitive tenders
3. Section III shall be made up of provisions whose publication is mandatory and that are not general in nature nor covered by the other sections.
4. Section IV shall publish the pronouncements, notifications, requirements and announcements of the Courts.
5. Section V shall contain announcements, grouped as follows:
 - a) Announcements of public tenders and awards
 - b) Other official announcements
 - c) Special announcements

IV. SUBJECTS OF INTERNATIONAL LAW

V. THE INDIVIDUAL AND INTERNATIONAL LAW

1. Aliens

– Royal Decree 8/2008, 11 January, regulating benefits obtainable by reason of need for Spanish nationals who are residents outside Spain and returnees (*BOE* 21, 24.01.08).

– Royal Decree 230/2008, 15 February, regulating the General Council on Spanish Citizenship abroad (*BOE* 41, 16.02.08 and *corr. of errors BOE* 80, 2.04.08).

– Order TAS/711/2008, 7 March, amending Order TAS/3698/2006, of 22 November, regulating the registration of non-community alien workers in the Public Employment Services and Placement Agencies (*BOE* 66, 17.03.08).

- Order INT/2058/2008, 14 July, amending the Order of the Ministry of Interior of 7 February 1997 regulating the Alien Identification Card, in regard to the Alien Identification Number (*BOE* 170, 15.07.08).
- Royal Legislative-Decree 4/2008, of 19 September, on early cumulative payment of the participative unemployment benefit to non-community alien workers who voluntarily return to their countries of origin (*BOE* 228, 20.09.08).
- Royal Decree 1800/2008, of 3 November, implementing Royal Legislative Decree 4/2008, of 19 September, on early cumulative payment of the participative unemployment benefit to non-community alien workers who voluntarily return to their countries of origin (*BOE* 272, 11.11.08).
- Royal Decree 1792/2008, of 3 November, on granting Spanish citizenship to the volunteers who made up the International Brigades (*BOE* 277, 17.11.08).

2. Human Rights

- Act 11/2007, of 26 November, of the Autonomous Community of Andalusia, Regulating the Genetic Council, to protect the rights of persons who submit to genetic analysis and human DNA banks in Andalusia (*BOE* 38, 13.02.08).

- Act 12/2007, of 26 November, of the Autonomous Community of Andalusia, to promote gender equality in Andalusia (*BOE* 38, 13.02.08).

Note: In addition to the different regulatory attempts in the European Union on this matter, the Preamble of the Law refers to a number of international instruments, including: instruments for the elimination of all forms of discrimination against women, under the United Nations, made up by the Declaration on the Elimination of Discrimination against Women of 1967, the Convention for the Elimination of All Forms of Discrimination Against Women of 1979 and the Committee for the Elimination of Discrimination against Women whose function is to oversee the implementation of the Convention by the signatory States, including Spain. The Convention states that discrimination against women violates the principles of equal rights and respect for human dignity, hampering the full participation of women in political, social, economic and cultural life. Along these lines, the four United Nations world conferences on women – the first was held in Mexico in 1975, and then in Copenhagen in 1980, Nairobi in 1985 and Beijing in 1995 –, have contributed to placing the cause of gender equality on the front lines of world-wide debate. The Declaration and Action Platform of the IV World Conference on Women of 1995 established two fundamental strategies for effective development of policies of equality between women and men: gender as a transversal issue and balanced representation.

- Act 13/2007, 26 November, of the Autonomous Community of Andalusia, on measures to prevent and provide integrated protection against gender violence (*BOE* 38, 13.02.08).

– Resolution dated 25 February 2008, jointly between the Directorate General for Emigration and the Directorate General of the National Social Security Institute, regulating the procedure for access to health care by Spanish original national returnees and for Spanish original national pensioners and employees who, while residents abroad, temporarily visit national territory (*BOE* 53, 01.03.08).

– Royal Decree 748/2008, of 9 May, regulating the State Commission against Violence, Racism, Xenophobia and Intolerance in Sports (*BOE* 120, 17.05.08).

Note: The Creation of the National Commission against Violence at Sporting Events, provided for under Law 10/1990, of 15 October, on Sports, is one of the international commitments acquired by Spain when it signed the «European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches», approved in Strasbourg on 19 August 1985. The Commission is, in fact, a major exponent of the international coordination measures set forth by said instrument and has been playing a very active and relevant role in preventing sports-related violence in our country.

– Law 11/2008, of 3 July, by the Community of Valencia, on public participation (*BOE* 200, 19.08.08).

– Law 13/2008, of 8 October, by the Government of Valencia, regulating Family Meeting Points in the Community of Valencia (*BOE* 265, 3.11.08).

Note: Children who live apart from their parents and relatives are entitled to have regular direct, personal contact with them provided it is not contrary to their best interests. Article 9 of the UN Convention on the Rights of the Child, of 20 November 1989, ratified by Spain on 30 November 1990, states that «States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests». The Council of Europe Committee of Ministers Recommendation N. R (98) to Member States on Family Mediation N. R (98), adopted by the Committee of Ministers to Member States on 21 January 1998, sets forth in its Preamble the need to ensure the protection of the best interests and welfare of the child especially taking into account problems concerning custody and access arising as a result of a separation or divorce.

VI. STATE ORGANS

1. Central organs

– Royal Decree 1403/2007, of 26 October, approving the Statute of the “*Agencia Española de Cooperación Internacional para el Desarrollo*” [Spanish International Development Cooperation Agency] (*BOE* 283, 26.11.07 and *corr. of errors BOE* 41, 16.02.08).

– Royal Decree 432/2008, 12 April, restructuring ministerial departments (*BOE* 90, 14.04.08).

Note: Article 2. *Ministry of Foreign Affairs and Cooperation.*

1. The Ministry of Foreign Affairs and Cooperation is in charge of carrying out foreign policy and international development cooperation in accordance with Government guidelines and in application of the principle of unified action in foreign policy.
2. The Ministry of Foreign Affairs and Cooperation is broken down into the following parts:
 - a) The Secretariat of State for Foreign Affairs
 - b) The Secretariat of State for the European Union
 - c) The Secretariat of State for International Cooperation
 - d) The Secretariat of State for Ibero-America

– Royal Decree 438/2008, 14 April, approving the basic structure of ministerial departments (*BOE* 92, 16.04.08 and *corr. of errors* *BOE* 93, 17.04.08, and *BOE* 124, 22.05.08).

– Royal Decree 730/2008, of 3 May, declaring the official mourning period after the death of Mr. Leopoldo Calvo-Sotelo Bustelo, former Prime Minister and Marquis of Ría de Ribadeo (*BOE* 108, 4.05.08).

– Amendment of several articles of the Senate By-Laws (*BOE* 123, 20.05.08).

Note: Third Article. Paragraphs 2 and 3 of Article 49 of the Senate Rules are as follows:

- «2. The Legislative Committees shall be the General Committee on the Autonomous Communities and the following:
- Constitutional Committee
 - Foreign Affairs Committee
 - Justice Committee
 - Defence Committee
 - Economy and Finance Committee
 - Budget Committee
 - Home Affairs Committee
 - Public Works and Infrastructure Committee
 - Education, Social Policy and Sports Committee
 - Labour and Immigration Committee
 - Industry, Tourism and Trade Committee
 - Environment, Agriculture and Fisheries Committee
 - Public Administrations Committee
 - Cultural Affairs Committee
 - Health and Consumer Affairs Committee
 - Housing Committee
 - Science and Innovation Committee

Equality Committee

Committee on Local Entities

Committee on International Development Cooperation

3. Non-legislative committees shall be those that are constituted by virtue of a provision of law, and are as follows:

Rules Committee

Committee on Conflict of Interest

Committee on Judicial Requests for Waivers of Immunity

Appeals Committee

Ibero-American Affairs Committee

Appointments Committee»

– Royal Decree 869/2008, of 23 May, establishing the basic structure of the Ministry of the Presidency (*BOE* 126, 24.05.08 and *corr. of errors BOE* 132, 31.05.08).

– Royal Decree 1130/2008, of 4 July, setting forth the basic structure of the Ministry on the Environment, and Rural and Maritime Areas (*BOE* 164, 8.07.08).

– Royal Decree 1124/2008, of 4 July, setting forth the basic structure of the Ministry of Foreign Affairs and Cooperation (*BOE* 165, 9.07.08 and *corr. of errors BOE* 189, 6.08.08).

Note: Royal Decree 1416/2004, of 4 August, on the basic structure of the Ministry of Foreign Affairs and all other provisions of equal or lesser rank that are contrary to this Royal Decree are hereby abolished.

– Royal Decree 1125/2008, of 4 July, setting forth the basic structure of the Ministry of Justice and amending Royal Decree 438/2008, of 14 April, approving the basic structure of ministerial departments (*BOE* 165, 9.07.08 and *corr. of errors BOE* 189, 6.08.08).

– Royal Decree 1127/2008, of 4 July, setting forth the basic structure of the Ministry of Economy and Finance (*BOE* 165, 9.07.08 and *corr. of errors BOE* 189, 6.08.08).

– Royal Decree 1129/2008, of 4 July, setting forth the basic structure of the Ministry of Labour and Immigration and amending Royal Decree 438/2008, of 14 April, approving the basic organic structure of ministerial departments (*BOE* 165, 9.07.08 and *corr. of errors BOE* 189, 6.08.08).

– Royal Decree 1181/2008, of 11 July, amending and setting forth the basic structure of the Ministry of Home Affairs (*BOE* 171, 16.07.08 and *corr. of errors BOE* 189, 6.08.08).

– Royal Decree 1182/2008, of 11 July, setting forth the basic structure of the Ministry of Industry, Tourism and Trade (*BOE* 171, 16.07.08 and *corr. of errors BOE* 189, 6.08.08).

– Royal Decree 1306/2008, of 18 July, amending Royal Decree 405/1992, of 24 April, regulating the Statute of former Prime Ministers (*BOE* 178, 24.07.08).

Note: A Paragraph 3 is added to Article 4 of Royal Decree 405/1992, of 24 April, regulating the Statute of former Prime Ministers with the following text:

«3. Paragraphs 3 and 4 of Article 3 of this Royal Decree shall be applicable to the spouse or person having an analogous relationship of affection in the event of the death of former Prime Ministers».

– Royal Decree 1370/2008, of 1 August, setting forth the structure of the Presidency of the Government (*BOE* 230, 23.09.08).

– Order SCO/3194/2008, of 4 November, creating the Committee to coordinate the international relations of the Ministry of Health and Consumption (*BOE* 270, 8.11.08).

– Royal Decree 1894/2008, of 14 November, amending Royal Decree 1300/2006, of 10 November, on the Organization and Functions of Home Affairs Counsellors at Diplomatic Missions of Spain (*BOE* 276, 15.11.08).

2. Diplomatic Relations

– Order AEC/19/2008, of 8 January, setting up the Labour and Social Affairs Counsellor's Office at Spain's Permanent Diplomatic Missions in The Netherlands – The Hague –, and in Canada, and eliminating the Labour and Social Affairs Counsellor's Office at Spain's Consulates in Amsterdam and Quito (*BOE* 16, 18.01.08).

– Royal Decree 1771/2007, 28 December, setting up Sections of Economy and Trade of the Spanish Permanent Diplomatic Missions in the Argentine Republic, the United Kingdom of Great Britain and Northern Ireland, the Portuguese Republic and the Italian Republic (*BOE* 16, 18.01.08).

– Order AEC/1015/2008, 4 April, creating the Technical Cooperation Office of the Spanish International Cooperation Agency at Spain's permanent diplomatic mission in the Republic of Niger (*BOE* 91, 15.04.08).

– Order TIN/1490/2008, of 27 May, creating the Payment Fund for the Labour and Social Affairs Sections of the Permanent Diplomatic Missions of Spain in the Netherlands and Canada (*BOE* 132, 31.05.08).

– Royal Decree 909/2008, of 30 May, setting up the Office of the Counsellor for Information at the Permanent Diplomatic Missions of Spain in Germany, Andorra, Algeria, Argentina, Brazil, Chile, China, Colombia, Cuba, Ecuador, United States of America, El Salvador, France, India, Israel, Italy, Morocco, Mexico, Pakistan, Portugal, United Kingdom, Russia, Senegal, Turkey and Venezuela (*BOE* 143, 13.06.08).

- Royal Decree 1123/2008, of 4 July, on diplomatic passports (*BOE* 165, 9.07.08 and *corr. of errors BOE* 170, 15.07.08).
- Royal Decree 1180/2008, of 11 July, setting up the Section of Defence of the Spanish Permanent Diplomatic Mission in Australia (*BOE* 181, 28.07.08).
- Royal Decree 1674/2008, of 17 October, setting up the Section of Economy and Trade of the Spanish Permanent Diplomatic Mission in Canton (People's Republic of China) and suppressing that of Iraq (*BOE* 252, 18.10.08).

3. Consular Relations

- Correction of errors of the Order AEC/2090/2006, 30 June, setting up a Consular Office, as a General Consulate Mumbai (India) (*BOE* 54, 3.03.08).
- Order AEC/2956/2008, of 15 October, setting up a Consular Office, as a General Consulate, in Canton (People's Republic of China) (*BOE* 251, 17.10.08).

– Orders creating the following Honorary Consular Offices:

Dominican Republic:

- Nagua, Order AEC/166/2008, 23 January (*BOE* 30, 4.02.08).

Guinea Bissau:

- Cacheu, Order AEC/2780/2008, of 19 September (*BOE* 241, 6.10.08).

India:

- Bangalore (capital of Karnataka State, India), Order AEC/307/2008, 7 February (*BOE* 38, 13.02.08).

Mexico:

- Baja California Sur, Order AEC/1106/2008, of 16 April (*BOE* 98, 23.04.08).
- Durango, Order AEC/2985/2008, of 14 October (*BOE* 254, 21.10.08).

Turkmenistan:

- Ashjabad, Order AEC/3370/2008, of 17 November (*BOE* 284, 25.11.08).

United Kingdom:

- Cayman Islands, Order AEC/1061/2008, of 7 April (*BOE* 94, 18.04.08).

– Orders eliminating the following Honorary Consular Offices:

Bangladesh:

- Dhaka, Order AEC/1647/2008, of 29 May (*BOE* 143, 13.06.08).

Dominican Republic:

- Samana, Order AEC/166/2008, 23 January (*BOE* 30, 4.02.08).

Finland:

- Pori and Vaasa, Order AEC/1062/2008, of 7 April (*BOE* 94, 18.04.08).

Guinea Bissau:

- Bissau, Order AEC/563/2008, of 25 February (*BOE* 56, 5.03.08).

Russia:

- Saint Petersburg, Order AEC/3747/2008, of 15 December (*BOE* 309, 24.12.08).

4. Special Missions**5. Relations with International Organizations**

- Royal Decree 37/2008, 18 January, adopting the measures needed to effectively implement Regulation (EC) n.1082/2006, of the European Parliament and the Council, dated 5 July 2006, on the European Grouping for Territorial Cooperation (EGTC) (*BOE* 17, 19.01.08).
- Order PRE/45/2008, 21 January, publishing the Agreement dated 11 January 2008, on the Kingdom of Spain's National Plan for the Alliance of Civilizations (*BOE* 20, 23.01.08).

6. Other Organs of the State**VII. TERRITORY**

- Order PRE/613/2008, 7 March, authorising the Port of Santa Cruz de La Palma (La Palma), as a border station (*BOE* 59, 8.03.08).

Note: The Port of Santa Cruz de La Palma (La Palma) is authorised as a border station and declared a full-fledged external Schengen border-crossing for the authorisation of entry into or exit from Schengen territory from or to non-Schengen Agreement States.

- Order PRE/2523/2008, of 4 September, creating the Civil Guard Centres for maritime coastline and border surveillance (*BOE* 215, 5.09.08).
- Order ITC/2607/2008, of 11 September, establishing the rules applicable to the assignment of carrying capacity in international connections with France (*BOE* 224, 16.09.08).

1. Air

- Order FOM/452/2008, 14 February, replacing Annex 1 of Decree 1675/1972, of 26 June, on charges for air navigation aids (Eurocontrol) and amending the interest rate for delayed payment of such charges (*BOE* 49, 26.02.08).
- Order FOM/452/2008, 14 February, partially amending Annex I of Decree 1675/1972, of 26 June, approving the rates to be applied for use of the system of air traffic control aids (Eurocontrol) and amending the interest rate for delayed payment of such rates (*BOE* 49, 26.02.08).

VIII. SEAS, WATERWAYS, SHIPS

- Order APA/83/2008, 23 January, amending Order APA/678/2004, 5 March, regulating fishing with purse seine nets in national fishing grounds in the Mediterranean (*BOE* 25, 29.01.08).
- Royal Decree 62/2008, 25 January, approving the Regulation on Conditions for the safety of maritime navigation and human life at sea applicable to commemorative nautical gatherings and nautical sports events (*BOE* 33, 7.02.08).
- Royal Decree 410/2008, 28 March, amending Royal Decree 176/2003, 14 February, regulating the exercise of control and inspection of maritime fishing activities (*BOE* 86, 9.04.08).

Note: Royal Decree 176/2003, of 14 February, regulating the exercise of the functions of control and inspection of maritime fishing activities is amended as follows:

A Paragraph 2 *bis* is added to Article 3, Paragraph 2, stating as follows:

«2. *bis*. The scope of action for the inspection function is extended to include international jurisdictional or sovereign waters of another Member State of the European Union or the land territory of a Member State, as either a national inspection or as a community inspection, as appropriate, when acting under any ordinary or restrictive authorisation modality between States, provided under the system of cooperation and coordination of control and inspection of fishing activities as regulated under Regulation (EC) n. 2371/2002, and remaining community legislation implementing same or any other that may replace it».

- Royal Decree 747/2008, 9 May, establishing the Sanctioning Regulation for maritime fishing in external waters (*BOE* 129, 28.05.08 and *corr. of errors BOE* 153, 25.06.08).
- Royal Decree 862/2008, of 23 May, regulating inquiries into maritime accidents and incidents of navigation and the Permanent Commission for Inquiries into Maritime Accidents and Incidents (*BOE* 136, 5.06.08 and *corr. of errors BOE* 173, 18.07.08).

Note: Article 94 of the United Nations Convention on the Law of the Sea (Montego Bay, Jamaica, 1982) urges States to cause an inquiry to be held into every maritime casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State or serious damage to ships or installations of another State or to the marine environment. The competent authorities of the flag State and the other State shall cooperate in the conduct of any inquiry into the maritime casualty or incident of navigation.

Rule 21 of Chapter I of the Annex to the International Convention for the Safety of Human Life at Sea (SOLAS, 1974/1978) obligates contracting States to cause an inquiry to be held into any casualty suffered by any ship entitled to fly its flag and subject to the provisions of the Convention, provided that such inquiry would contribute to introducing changes in the rules contained therein. For this purpose, the Code for the investigation of maritime casualties and incidents, approved by Resolution A.849 (20) of 27 November 1997 of the Assembly of the International Maritime Organization (IMO) has become the procedure of reference to follow for investigating maritime casualties and incidents.

– Order PRE/2986/2008, of 14 October, publishing the Agreement of the Delegate Commission of the Government for Economic Affairs establishing the procedure for granting State guarantees for financing credit operations for renovation and modernisation of the Spanish merchant fleet (*BOE* 254, 21.10.08).

IX. INTERNATIONAL SPACES

X. ENVIRONMENT

1. General

– Act 42/2007, on 13 December, on Natural Heritage and Biodiversity (*BOE* 299, 14.12.07 and *corr. of errors* *BOE* 36, 11.02.08).

– Royal Decree 186/2008, 8 February, approving the Statute of the State Weather Agency (*BOE* 39, 14.02.08).

– Royal Decree 822/2008, of 16 May, creating the Office of the Cooperation Fund for Water and Waste Treatment (*BOE* 153, 25.06.08).

– Order EHA/2288/2008, of 23 July, on the issue, coining and circulation of 12 euro collectors' coins commemorating the International Year of Planet Earth (*BOE* 185, 1.08.08).

– Order ARM/2444/2008, of 12 August, approving the National Action Programme to Combat Desertification in compliance with the United Nations Convention to Combat Desertification (*BOE* 200, 19.08.08).

Note: The UNCCD was ratified by Spain in January 1996 (*BOE* n. 36, of 11 February 1997), and is a legally binding instrument obligating Spain, along with all the signatory countries affected by desertification, to draft a National Action Programme. Under Article 10 of the UNCCD, the objective of the Action Programme is to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of drought. The UNCCD establishes that National action programmes are to be drafted with the participation of the stakeholders affected by desertification.

– Act 7/2008, of 7 July, protecting the landscape of Galicia (*BOE* 201, 20.08.08).

Note: The principles underlying the current law and which should govern the actions by the public powers in regard to landscape are based on the contents of the European Landscape Convention, signed in Florence at the proposal of the Council of Europe, on 20 October, and other international conventions in force on the subject.

– Royal Decree 1432/2008, of 29 August, establishing measures to protect bird life against colliding with and being electrocuted by electrical high tension lines (*BOE* 222, 13.09.08).

– Royal Decree 1614/2008, of 3 October, on requirements for animal health and aquaculture products, and on the prevention and control of certain diseases of aquatic animals (*BOE* 242, 7.10.08).

– Royal Decree 1795/2008, of 3 November, setting forth rules on civil liability coverage for damage caused by ship fuel pollution (*BOE* 278, 18.11.08).

2. Fauna and Flora

– Royal Decree 1727/2007, 21 December, establishing measures to protect cetaceans (*BOE* 11, 12.01.08).

– Royal Decree 263/2008, 22 February, establishing technical measures for electrical high tension lines to protect bird life (*BOE* 56, 5.03.08).

Note: This Royal Decree complies with the constitutional mandate contained in Article 45 of the Constitution of Spain and also with Spain's commitment under the Convention on the Conservation of European Wildlife and Natural Habitats, done in Bern on 19 September 1979, and ratified on 13 May 1986, which acknowledges the need to adopt measures to implement national policies to conserve wildlife and natural habitats that are appropriate for protecting, above all, endangered species. Furthermore, Law 42/2007, of 13 December, the purpose of which is to establish rules to protect, restore, conserve and improve natural resources and, in particular of natural spaces and wildlife, provides, in its Article 52, for the adoption of measures necessary to ensure the conservation of species living in the wild state.

In this context, Resolution 7.4 on Electrocution of Migratory Birds of the Convention on Migratory Species, or Bonn Convention, approved at the Conference of the Parties held in Bonn on 18–24 September 2002, makes specific reference to the serious effects of electrocution on bird life and urges Member States, among which is Spain, to seek a solution to the problem.

XI. LEGAL ASPECTS OF INTERNATIONAL COOPERATION

1. General Provisions

– Act 12/2007, of 27 December, on International Development Cooperation by the Autonomous Community of the Region of Murcia (*BOE* 177, 23.07.08).

– Royal Decree 1371/2008, of 1 August, regulating the direct granting of a subsidy to the Spain-USA Foundation for the creation and establishment of the Spain-United States House (*BOE* 206, 26.08.08).

2. Military and Defence Cooperation

– Order ITC/822/2008, 19 February, amending Annex of the Royal Decree 1782/2004, of 30 July, approving the Regulation on foreign trade control of defence materiel, other materials and dual-use products and technologies (*BOE* 76, 28.03.08).

Note: This Order replaces former Order ITC/713/2007, 15 March, amending Annex I of Royal Decree 1782/2004, of 30 July, approving the Regulation on foreign trade control of defence materiel, other materials and dual-use products and technologies.

3. Cultural Cooperation

– Order PRE/264/2008, 8 February, announcing the Agreement by the Council of Ministers determining the framework for actions leading to compliance with the general goals of the Salamanca 2018 celebration (*BOE* 35, 9.02.08).

– Resolution dated 14 March 2008, by the Secretariat of State for Universities and Research, setting forth instructions on access to the Spanish university system for the academic year 2008–2009, by students from educational systems to which Article 38.5 of Organic Law 2/2006, of 3 May, on Education (*BOE* 70, 21.03.08) is applicable.

Note: Article 38.5 of Organic Law 2/2006, of 3 May, on Education, establishes that students from educational systems of European Union Members States or other States with which applicable International Agreements have been signed may attend Spanish universities on a basis of reciprocity, provided that such students meet

the academic requirements required by their educational systems to have access to their universities. The Resolution of 7 May 2007 by the Secretariat of State for Universities and Research sets forth the instructions for access to the Spanish university system for the 2007–2008 academic year for such students and establishes the minimal mechanisms that enabled them to implement for the first time the right of access contemplated under said Law. The experience acquired through the implementation of the former Resolution made it advisable to make certain amendments aimed at achieving greater equilibrium that would enable consideration, on the one hand of the requirements of our own educational system and, on the other, the logical diversity of the educational systems to which Article 38.5 of said Law on Education is currently applicable. Also included in the scope of application of this Resolution are the educational systems of Iceland, Norway and Liechtenstein, parties to the Agreement on the European Economic Space granting citizens of these countries the same rights as citizens of the Member States of the European Union to live, work and study in their territories. Finally, in its scope of application this provision also includes students from the Chinese educational system by virtue of the Agreement on the recognition of degrees and diplomas between the Government of Spain and the Government of the People's Republic of China, signed in Beijing on 21 October 2007.

– Royal Decree 1319/2008, of 24 July, broadening the functions and services transferred to the Autonomous Community of Galicia by Royal Decree 1763/1982, of 24 July, on Education: Homologation and validation of degrees and foreign non-university studies (*BOE* 183, 30.07.08).

4. Tariffs and Trade Cooperation

– Order ARM/2505/2008, of 28 August, amending Annexes I, II, III and IV of Royal Decree 58/2005, of 21 January, adopting measures to protect against the introduction and dissemination in national territory and the European Community of organisms harmful to plants or plant products, as well as their export and transit to third countries (*BOE* 210, 30.08.08).

5. Financial and Tax Cooperation

– Resolution of 9 December 2008, by the Department of Customs and Excise Taxes of the State Tax Agency updating the Applicable Integrated Tariff (*BOE* 307, 22.12.08).

6. Sea Traffic and Transport

– Order FOM/2181/2008, of 22 July, setting forth rules on *cabotage* in Spain (*BOE* 179, 25.07.08).

7. Air Traffic and Transport

– Royal Decree 184/2008, 8 February, approving the Statute of the State Agency for Aviation Safety (*BOE* 39, 14.02.08 and *corr. of errors BOE* 63, 13.03.08).

– Resolution 27 February 2008, by the Directorate General for Civil Aviation, regarding the accreditation of the level of English language competency of civilian aircraft and helicopter pilots (*BOE* 55, 4.03.08).

Note: Amendment 164 of Annex I to the Convention on International Civil Aviation introduces requirements relating to language competency applicable to civilian pilot licence holders requiring, as of 5 March 2008, all pilots who have to use the radiotelephone on board an aircraft to demonstrate that they have the ability to speak and understand the language commonly used in radiotelephone communications, which in international aviation operations is commonly English, in which a language competency level of 4, “operational,” must be demonstrated.

– Order FOM/1267/2008, of 28 April, amending the Order of 21 March 2000, and the Order FOM/2157/2003, of 18 July, regulating different licence requirements for civilian aircraft and helicopter crews, regarding aviation medical organisation and authorisation of aviation medical centres and medical examiners (*BOE* 110, 6.05.08).

8. Railway transport

– Order FOM/319/2008, 8 February, amending Annexes VI of Royal Decrees 354/2006 and 355/2006, of 29 March on interoperability of the conventional trans-European railroad system and on the interoperability of the trans-European high speed rail system, respectively (*BOE* 39, 14.02.08).

9. Labour, Social Security and Immigration

10. Health and Relief Cooperation

– Resolution of 28 December 2007, by the Presidency of the High Council of Sports, approving the list of substances and methods that are banned in sports (*BOE* 5, 5.01.08).

– Order SCO/78/2008, 17 January, updating Annex I of Royal Decree 1348/2003, of 31 October, adapting anatomical classification of medications to the ATC (Anatomical Therapeutic Chemical Classification System) (*BOE* 24, 28.01.08).

– Order APA/84/2008, 28 January, establishing specific protection measures in relation to blue tongue (*BOE* 25, 29.01.08).

Note: This Order was been followed by Order ARM/1200/2008, of 29 April (*BOE* 104, 30.04.08); Order ARM/2309/2008, of 31 July (*BOE* 186, 2.08.08); Order

ARM/2510/2008, of 28 August (*BOE* 211, 1.09.08); and Order ARM/3054/2008, of 27 October (*BOE* 261, 29.10.08).

11. Civil and Criminal Cooperation

– Organic Law 2/2008, of 4 December, amending Organic Law 6/1985, of 1 July, on the Judiciary, supplementary to the Law on the enforcement of resolutions imposing monetary sanctions in the European Union (*BOE* 293, 5.12.08).

Note: Law 1/2008, on the enforcement in the European Union of resolutions imposing monetary sanctions, establishes in its Article 4, the jurisdiction of Criminal Court Judges to adopt the measures set forth in said Law when Spain is the State of enforcement of the resolutions regulated. For this reason, it is necessary to amend Organic Law 6/1985, of 1 July, on the Judiciary, that lists the competency of the jurisdictional bodies.

– Act 1/2008, of 4 December, on the enforcement in the European Union of decisions imposing monetary sanctions (*BOE* 293, 5.12.08).

XII. INTERNATIONAL ORGANIZATIONS

– Royal Decree 160/2008, 8 February, approving the Regulation implementing the tax exemptions relating to the North Atlantic Treaty for said Organisation's General international headquarters and the States parties to said treaty and establishing the procedure for application (*BOE* 52, 29.02.08).

Note: Royal Decree 1967/1999, of 23 December, containing the exemption from indirect taxation relating to the North Atlantic Treaty Organization and the States Parties to said Treaty and establishing the application procedures, is hereby abolished.

– Royal Decree 1372/2008, of 1 August, regulating the direct granting of a grant to the ONUART Foundation to remodel and renovate the XX Conference Room of the United Nations Office in Geneva (*BOE* 206, 26.08.08).

– Royal Decree 1611/2008, of 3 October, approving the rules regulating a subsidy to be granted directly to the Spanish Olympic Committee to fund activities carried out for the Olympic movement during 2008 (*BOE* 255, 22.10.08).

XIII. EUROPEAN UNION

– Order EHA/678/2008, 10 March, on the issue, coinage and circulation of collector's coins with the legend «*Herencia Europea*» (European Heritage) (*BOE* 64, 14.03.08).

– 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).

– Order EHA/2287/2008, of 23 July, agreeing on the issue, coinage and circulation of 2 euro coins commemorating the tenth anniversary of the Economy and Monetary Union (*BOE* 185, 1.08.08).

– Royal Legislative-Decree 5/2008, of 3 October, authorising the General State Administration to enter into a guarantee contract with the European Investment Bank and raising the limit for granting guarantees set in Article 54 of Law 51/2007, of 26 December, on the General State Budget for 2008 (*BOE* 240, 4.10.08).

– Royal Legislative-Decree 7/2008, of 13 October, on Urgent Economic-Financial Measures in regard to the Action Plan agreed among the Euro-zone countries (*BOE* 248, 14.10.08 and *corr. of errors BOE* 286, 27.11.08).

– Order TIN/2965/2008, of 14 October, determining expenses that may be subsidized by the European Social Fund during the 2007–2013 programming period (*BOE* 252, 18.10.08).

– Royal Decree 1722/2008, of 20 October, creating the Spanish European Union Council Presidency Organising Committee (*BOE* 254, 21.10.08).

– Resolution of 16 October 2008, of the Congress of Deputies, ordering the publication of the validation agreement of Royal Legislative-Decree 5/2008, of 3 October, authorising the General State Administration to enter into a guarantee contract with the European Investment Bank and broadening the limit for granting guarantees set by Article 54 of Law 51/2007, of 26 December, on the General State Budget for 2008 (*BOE* 257, 24.10.08).

– Act 8/2008, of 16 October, for the creation of the Council on Social Dialogue and regulation of institutional participation (*BOE* 269, 7.11.08).

Note: Receipt of all the information requested from the Government of Castile and Leon on matters affecting the social dialogue relative to European Regional Policy, to participation in training and application of European Union law, to trans-border relations between Castile and Leon and Portugal and to the Autonomous Community's relations with the State.

– Order EHA/3748/2008, of 23 December, amending Order EHA/3364/2008, of 21 November, implementing Article 1 of Royal Legislative-Decree 7/2008, of 13 October, on Urgent Economic-Financial Measures in relation to the Joint Action Plan of the Euro-zone Countries (*BOE* 309, 24.12.08).

– Order EHA/3799/2008, of 23 December, setting thresholds relating to statistics on trade in goods between European Union Member States for 2009 (*BOE* 315, 31.12.08).

XIV. INTERNATIONAL RESPONSIBILITY

– Act 4/2008, of 17 June, by the Autonomous Community of Aragon, on measures for victims of terrorism (*BOE* 189, 6.08.08).

XV. PEACEFUL SETTLEMENT OF DISPUTES

XVI. COERCION AND THE USE OF FORCE SHORT OF WAR

– Royal Decree 1889/2008, of 10 November, declaring an official mourning period for the deaths of members of the Spanish military contingent in the International Security Assistance Force in Afghanistan (ISAF) (*BOE* 272, 11.11.08).

XVII. WAR AND NEUTRALITY

– Order EHA/849/2008, 24 March, on the issue, coinage and circulation of collectors' coins with the legend "Bicentennial of the War of Independence" (*BOE* 78, 31.03.08).

– Royal Decree 1791/2008, of 3 November, on the declaration of reparations and individual recognition of persons who suffered persecution or violence during the Spanish Civil War and the Dictatorship (*BOE* 277, 17.11.08).

Note: By means of this Declaration, the Spanish democracy will honour citizens who directly suffered injustice and wrong as a result of the Spanish Civil War and the Franco dictatorship.

– Order PRE/3749/2008, of 22 December, making public the Agreement of the Council of Ministers on the creation of the Office for the Victims of the Civil War and the Dictatorship (*BOE* 309, 24.12.08).