

# *Spanish Municipal Legislation Concerning Matters of Public International Law, 2006*

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This survey covers aspects of Spanish municipal legislation relating to Public International Law. Only relevant 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 2 February 2006, 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* 40, 16.02.06).

*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 September to 31 December 2005.

– Resolution of 7 June 2006, 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* 147, 21.06.06).

*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 to 30 April 2006.

– Resolution of 16 October 2006, 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* 253, 23.10.06).

*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 May to 30 August 2006.

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

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

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

##### **1. Aliens**

– Royal Decree 1019/2006 of 8 September, modifying Article 13 of the Regulation of Organic Act 4/2000 of 11 January, on the Rights, Freedoms and Social Integration of Aliens in Spain (*BOE* 228, 23.09.06), adopted by Royal Decree 2393/2004, of 30 December.

*Note:* Article 13 covers cases of denied entry into Spanish territory, which is generally regulated in this article for aliens who are not in compliance with the cited Regulation and adds a new basis for denied entry into Spanish territory for aliens to whom an agreement regulating the readmission of persons in irregular status signed by Spain is applicable.

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

– Royal Decree 199/2006, of 17 February, modifying the Regulation on assistance to the victims of violent crimes and offences against sexual freedom, approved by Royal Decree 738/1997, of 23 May; the Regulation on the implementation of Act 32/1999, of 8 October, on solidarity with the victims of terrorism, approved by Royal Decree 1912/1999, of 17 December, and the Regulation on assistance to victims of terrorism approved by Royal Decree 288/2003, de 7 de March (*BOE* 43, 20.02.06).

*Note:* The Council Directive 2004/80/EC of 29 April 2004, relating to compensation for crime victims, sets up a system of cooperation to facilitate access to compensation to victims of crimes in cross-border situations, which should operate on the basis of Member States' schemes for compensation to victims of violent intentional crime, committed in their respective territories. Therefore, a compensation mechanism should be in place in all Member States. This Royal Decree extends the application of the Directive concerning the victims of violent crimes and offences against sexual freedom to the victims of terrorism crimes.

#### **VI. STATE ORGANS**

##### **1. Central organs**

– Resolution of 23 March 2006, to implement Royal Decree 938/2005, of 29 July, laying down the rules concerning monitoring and accounting for the application of funds earmarked for external services (*BOE* 80, 4.04.06).

– Royal Decree 989/2006 of 8 September, amending Royal Decree 553/2004 of 11 June, setting forth the basic organisational structure of the Ministry of Foreign Affairs and Cooperation (*BOE* 216, 9.09.06).

*Note:* The Ministry of Foreign Affairs and Cooperation shall consist of the following superior organs:

- a) The Secretariat of State for Foreign Affairs, responsible for directly assisting the Minister in formulating and implementing the foreign policy of Spain and for ensuring the coordination of the different Secretariats of State of the Ministry.
- b) The Secretariat of State for the European Union, responsible for directly assisting the Minister in formulating and implementing Spain's policy in the European Union.
- c) The Secretariat of State for International Cooperation, responsible for directly assisting the Minister in the formulation and implementation of Spain's international cooperation policy.
- d) The Secretariat of State for Ibero-America, responsible for directly assisting the Minister in formulating and implementing Spain's policy in Latin America.

– Order AEC/2783/2006, of 7 September, providing for the publication of the Agreement by the Council of Ministers approving measures to strengthen the foreign actions of the State (*BOE* 218, 12.09.06).

*Note:* The measures to be adopted refer to the following chapters:

First. – Improved mechanisms to coordinate the foreign policy activity of the State, strengthening Government coordination mechanisms to promote such activity

In this regard, Royal Decree 1412/2000 of 21 July, on the Foreign Policy Council, shall be amended.

Second. – Measures to reinforce the diplomatic, consular and sectorial office deployment of the Embassies of Spain

In accordance with a timetable to be submitted within three months, new career consular Offices in Albuquerque, Atlanta, Belgrade, Canton, Cartagena de Indias, Dakar, Guayaquil, Kiev, Marrakesh, Pretoria, Santa Cruz de la Sierra, Santiago de Cuba and Valencia (Venezuela) are to be opened.

On an urgent basis and within two months' time, diplomatic officers are to be sent as Assistant Consuls to the consular offices of Havana, Lima, Quito, Bogota, Sao Paulo, Moscow, Santo Domingo and Brussels.

Within three months a special hiring process will be initiated to reinforce our consular Office staff in the areas of protection and assistance of Spanish nationals, immigration, tourism policy and civil registry. The personnel selected will be preferentially sent to the Consular Offices in Beijing, Moscow, Addis Ababa, Bogota, Belgrade, Kiev, Tangiers, Nador, Casablanca, Tetuan, Rabat, Santo Domingo, Algiers, Islamabad, New Delhi, Manila, La Paz, Havana, Shanghai, Dakar, Lagos, Bucharest, Accra, Miami, Lima, Quito, Sao Paulo, Rio de Janeiro, Caracas, Marseille and Kinshasa.

Within six months, Royal Decree 952/1984 of 25 April, regulating the functioning of Honorary Consulates, must be revised.

In the shortest time possible, computer applications are to be made available to implement the European Visa Information System (VIS) and the inclusion of biometric elements in passports and visas.

Within four months, a plan will be put into place to gradually bring on board diplomatic and consular mission support officers with a rank of Counsellor or Attaché for Administrative Affairs, under the direct authority of the Chief of Mission, to be responsible for the management and coordination of administrative affairs at posts abroad. These positions will be occupied by civil servants pertaining to corps groups "A or B."

In order to promote the growing internationalisation of the Spanish economy and Spanish companies, and to take maximum advantage of opportunities in foreign markets and offered by tourism development, the Foreign Economic and Commercial Offices and the Foreign Tourism Offices will be adapted and restructured. For this purpose, the Ministry of Industry, Trade and Tourism shall, within three months, approve a Plan to Reestructure and Strengthen Foreign Economic and Commercial Offices and Tourism Offices abroad.

### Third. – Measures relating to Foreign Service human resources

During the 2007–2010 period, annual public employment offerings shall increase the number of jobs devoted to dealing with the needs of the Foreign Service corps of different Ministries, which for such purposes will be given consideration as a priority sector. In any event, 200 jobs will be offered for Career Diplomatic officers and 100 for members of the High Corps of Trade Specialists and State Economists.

Within four months the competent ministerial departments shall draft general, systematic, officially approved training programmes for Foreign Service personnel that provide appropriate recycling at all levels in regard to knowledge of languages, geographical areas, working methods and other aspects considered to be of interest.

Within six months, the Ministries of Economy and Treasury and Public Administration, with participation by the ministries involved, which may be of a joint nature, shall proceed to review the staffing patterns of civil service personnel and the catalogues of positions of the non-civil service personnel abroad, in order to adapt them to the new organisational and functional needs, and adjust, by country and geographical area, the configuration, categories and remuneration within the foreign posts and offices as a whole.

Within six months, the necessary regulatory modifications are to be made to revise the remuneration abroad of the personnel for external service. Such revision shall take into special consideration the workload involved in the effort of contributing to international peace and security, migratory policy, the process of internationalisation of the economy and of Spanish business, and development cooperation.

Furthermore, within the same period of time, the necessary regulatory modifications are to be made to improve the social measures provided to such personnel, especially those aimed at the conciliation of family and work. Specifically, the current biannual right of civil servants assigned abroad to be reimbursed for the cost of roundtrip travel to Spain for the civil servant and his/her family shall be converted to an annual right and the amounts provided in aid for schooling expenses shall be reviewed depending on the situation of the country or area of assignment.

Within a maximum of one year, the determination shall be made through the appropriate legal instrument, of all minimal conditions applicable to all non-civil service personnel hired abroad, whatever their nationality may be and independent of the law governing their employment contracts.

In order for Offices to be able to deal with temporary increases in workloads that occur, a simplified mechanism shall be immediately instituted to facilitate temporary annual hiring by posts abroad, strictly subject to the conditions and requirements set forth under the Workers Statute for the utilisation of temporary hiring formulas.

Fourth. – Measures relating to the material means made available to the foreign policy activity of the State.

Within four months, the final location of the Ministry of Foreign Affairs and Cooperation headquarters building is to be decided. Once the site is determined, measures will be taken immediately to remodel it and have it operational as soon as possible.

Within six months, all Ministries having Offices or buildings abroad shall submit a building maintenance and acquisition programme for the 2007–2010 period.

Within this same time period, a specific report shall be prepared on State-owned buildings abroad with historical or archaeological value requiring special preservation measures.

In order to streamline the leasing of buildings abroad in which to locate offices or services, within a maximum of three months' time the Ministry of Economy and Treasury shall issue the necessary provisions so as to delegate authority for the processing and authorisation through Ministry organs of respective case files corresponding to the affected Missions or Offices.

Within six months, a general foreign mission security plan will be set forth to ensure that the Offices of Spain located in countries with special security problems are duly protected, to include State Security Forces and Corps personnel assignment projections.

In order to improve the reactive and operational capabilities of Spain's Missions abroad in the event of natural disasters, military conflicts or other events, within six months the current communications system used by Foreign Service will be augmented by another system based on communications via satellite.

– Royal Decree 1028/2006, of 15 September, amending Royal Decree 1416/2004, of 11 June, on amendments and development of the basic organisational structure of the Ministry of Foreign Affairs and Cooperation (*BOE* 222, 16.09.06).

*Note:* The creation of the Secretariat of State for Ibero-America makes it necessary to set forth a new basic structure for the Ministry of Foreign Affairs and Cooperation.

a) The Secretariat of State for Foreign Affairs shall have the following subordinate management organs:

1. The Directorate General for Foreign Policy.
2. The Directorate General for Foreign Policy for Europe and North America.
3. The Directorate General for Foreign Policy for the Mediterranean, the Near East and Africa.
4. The Directorate General for Foreign Policy for Asia and the Pacific.
5. The Directorate General for the United Nations, Human Rights and Multilateral Organisations.
6. The Directorate General for International Economic Relations.
7. The Directorate General for International Terrorism, Non Proliferation and Disarmament Affairs.

b) The Secretariat of State for the European Union, under which will be the following management organs:

1. The Secretariat General for the European Union, holding the rank of Vice Secretariat.
2. The Directorate General for the Integration and Coordination of General and Economic Affairs of the European Union.
3. The Directorate General for the Internal Market and other Community Policies.

c) The Secretariat General for International Cooperation, under which is the Directorate General for Development Policy Planning and Evaluation.

d) The Secretariat of State for Ibero-America, under which are the following Directorates Generals:

1. The Directorate General for Foreign Policy for Ibero-America.
2. The Directorate General for Ibero-American Multilateral Organizations.

e) The Under Secretariat for Foreign Affairs and Cooperation, under which are the following management organs:

1. The Technical General Secretariat.
2. The Directorate General of the Foreign Service.
3. The Directorate General for Consular Affairs and Assistance.

f) The Directorate General for Foreign Communication is under the direct authority of the Minister.

g) There is an organ to provide immediate assistance to the Minister, the Minister's Staff, holding an organisation rank of Directorate General and is structured as set forth in Article 17 of Royal Decree 562/2004, of 19 April.

h) To assist the Minister there is the High Council on Foreign Affairs, whose make-up and functions are regulated by specific provisions and whose head position enjoys an organisational rank of Deputy Director General.

## **2. Diplomatic Relations**

– Royal Decree 1622/2005 of 30 December, setting up the Section of Economy and Trade of the Spanish Permanent Diplomatic Mission in Nairobi (Kenya) (*BOE* 16, 19.01.06).

– Order AEC/170/2006 of 12 January, creating the Technical Cooperation Office of the Spanish International Cooperation Agency at Spain's permanent diplomatic mission in the Republic of Cabo Verde (*BOE* 29, 3.02.06).

– Royal Decree 64/2006 of 27 January, setting up the Permanent Diplomatic Mission of Spain to Albania (*BOE* 39, 15.02.06).

– Royal Decree 230/2006 of 24 February, setting up the Permanent Diplomatic Mission of Spain to the Republic of Trinidad and Tobago (*BOE* 58, 9.03.06).

– Royal Decree 231/2006 of 24 February, setting up the Permanent Diplomatic Mission of Spain to the Republic of Sudan (*BOE* 58, 9.03.06).

– Royal Decree 232/2006, of 24 February, setting up the Permanent Diplomatic Mission of Spain to the Republic of Yemen (*BOE* 58, 9.03.06).

– Royal Decree 233/2006 of 24 February, setting up the Permanent Diplomatic Mission of Spain to New Zealand (*BOE* 58, 9.03.06).

– Order AEC/960/2006, of 28 February, creating the Cultural Centre of the Spanish International Cooperation Agency in São Paulo, in the Permanent Diplomatic Mission of Spain in the Federative Republic of Brazil (*BOE* 80, 4.04.06).

– Royal Decree 611/2006 of 19 May, setting up the Permanent Diplomatic Mission of Spain in Mali (*BOE* 129, 31.05.06).

*Note:* In the context of the higher priority being given to Sub-Saharan Africa by the Spanish Government and the reinforcement of Spain's presence and activity in said sub-continent, it is considered advisable to create a Permanent Diplomatic Mission in the Republic of Mali, to be located in the capital city of Bamako,

which, through a multiple accreditation arrangement can also cover Spain's mission to the neighbouring country of Niger, with which there are many similarities, as well as to Guinea-Conakry.

– Royal Decree 812/2006, of 30 June, setting up the Section of Economy and Trade of the Spanish Permanent Diplomatic Mission in Mumbai (India) (*BOE* 156, 1.07.06).

– Royal Decree 810/2006, of 30 June, on organisation, functions and provision of job positions to the Tourism Offices at Spanish Diplomatic Missions (*BOE* 167, 14.07.06).

– Royal Decree 866/2006 of 14 July, setting up the Permanent Diplomatic Mission of Spain to the Former Yugoslav Republic of Macedonia (*BOE* 185, 4.08.06).

– Order AEC/2692/2006 of 18 July, creating the Cultural Centre of the Spanish International Cooperation Agency in Brasilia, in the Permanent Diplomatic Mission of Spain in the Federative Republic of Brazil (*BOE* 200, 22.08.06).

– Order AEC/2693/2006 of 18 July, setting up the Technical Cooperation Office of the Spanish International Cooperation Agency at Spain's Permanent Diplomatic Mission in the Republic of Mali (*BOE* 200, 22.08.06).

– Order AEC/2694/2006 of 18 July, setting up the Technical Cooperation Office of the Spanish International Cooperation Agency at Spain's Permanent Diplomatic Mission in the Democratic Republic of East Timor (*BOE* 200, 22.08.06).

– Royal Decree 1229/2006, of 27 October, setting up the Section of Defence of the Spanish Permanent Diplomatic Mission in Afghanistan (*BOE* 274, 16.11.06).

– Royal Decree 1230/2006, of 27 October, setting up the Section of Defence of the Spanish Permanent Diplomatic Mission in the Republic of Philippines (*BOE* 274, 16.11.06).

– Royal Decree 1300/2006, of 10 November, on the organisation and functions of Interior Counsellors' Offices in Spain's Diplomatic Missions (*BOE* 280, 23.11.06).

– Royal Decree 1542/2006, of 15 December, creating the Labour and Social Affairs Counsellor's Office at Spain's Permanent Diplomatic Mission in the Republic of Senegal (*BOE* 310, 28.12.06).

### **3. Consular Relations**

– Order AEC/59/2006, of 19 January, setting up a Consular Office, as a General Consulate in San Petersburg (*BOE* 20, 24.01.06).

– Order AEC/2020/2006, of 13 June, setting up a Consular Office, as a General Consulate in Alger (*BOE* 152, 27.06.06).

– Order AEC/2090/2006, of 30 June, setting up a Consular Office, as a General Consulate in Mumbai (India) (*BOE* 156, 1.07.06).

– Orders creating the following Honorary Consular Offices:

Angola:

– Lobito (Benguela), Order AEC/828/2006 of 8 March (*BOE* 70, 23.03.06).

Argentina:

– Ushuaia, Order AEC/1370/2006 of 11 April (*BOE* 111, 10.5.06).

Armenia:

– Yerevan, Order AEC/2857/2006 (*BOE* 223, 18.09.06).

France:

– Dijon, Order AEC/3779/2006, of 15 November (*BOE* 297, 13.12.06).

Irak (Kurdistan):

– Irbil, Order AEC/1943/2006 of 30 May (*BOE* 146, 20.06.06).

Kazajstan:

– Almaty, Order AEC/403/2006 of 26 January (*BOE* 44, 21.0.06).

Malawi:

– Lilongwe, Order AEC/659/2006 of 24 February (*BOE* 59, 10.03.06).

Mozambique:

– Bemba, Order AEC/4163/2005 of 14 December (*BOE* 4 and 40, 5.01 and 16.02.06).

Portugal:

– Guarda and Bragança, Order AEC/829/2006 of 8 March (*BOE* 70, 23.03.06).

Tanzania:

– Zanzibar, Order AEC/4164/2005 of 14 December (*BOE* 4 and 40, 5.01 and 16.02.06).

United States:

– Cleveland (Ohio), Order AEC/2330/2006 of 28 June (*BOE* 170, 18.07.06).

– Ann Arbor, Order AEC/2855/2006, of 4 September (*BOE* 223, 18.9.06).

Vietnam:

– Ho Chi Minh, Order AEC/2856/2006, of 4 September (*BOE* 223, 18.09.06).

– Orders suppressing the following Honorary Consular Offices:

United States:

– Detroit (Michigan), Order AEC/2855/2006, of 4 September (*BOE* 223, 18.9.06).

#### **4. Special Missions**

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

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

– Organic Act 1/2006, of 10 April, amending Organic Act 5/1982 of 1 July, on the Autonomy Statute of the Valencian Community (*BOE* 86, 11.4.06).

*Note:* Shown are the articles of the reformed Statute that are of special interest from an International Law perspective.

##### Article 1

1. The Valencian people, historically organised as the Kingdom of Valencia, hereby constitute themselves as an Autonomous Community, within the unified Spanish Nation, as an expression of its differentiated identity as an historic nationality and in exercise of the right of self government that the Spanish Constitution recognises for all nationalities, called the *Comunitat Valenciana*.
2. The *Comunitat Valenciana* is the expression of the democratic will and the right to self-government of the Valencian people and is governed by this Statute, which constitutes its Basic institutional Law.
3. The *Comunitat Valenciana* has the goal of attaining self government under the terms of this Statute, strengthening democracy and ensuring the participation of all citizens in carrying out its objectives.
4. As a region of Europe, the *Comunitat Valenciana*, assumes the values of the European Union and shall ensure compliance with its objectives and the defence of the rights of all European citizens.

##### Article 8

1. As Spanish and European citizens, Valencians hold the rights, obligations and freedoms set forth in the Spanish Constitution and in European Union law and international instruments that protect individual and collective human rights, in particular, the Universal Declaration of Human Rights; the International Covenants on Civil, Political, Economic, Social and Cultural Rights; the

European Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Social Charter.

2. The Valencian public authorities are bound by these rights and freedoms and shall ensure the protection and respect thereof, and compliance with the obligations therein.”

#### TITLE VI: Relations with the European Union

##### Article 61

1. The *Comunitat Valenciana* shall have a Delegation in Brussels to act as an administrative body to represent, defend and promote its multisectorial interests to European Union institutions and bodies.
2. Furthermore, the *Generalitat*, through the *Comunitat Valenciana* Promotion Agency, shall open a series of business promotion offices in all countries and places where the presence of Valencia companies needs to be promoted.
3. As a region of the European Union, the *Comunitat Valenciana*, pursuant to the law of the State:
  - a) Shall participate in the subsidiarity control mechanisms set forth under European Union Law.
  - b) Shall be entitled to participate in all the processes established by the State to determine the Spanish position in European institutions, when these refer to competence held by the *Comunitat Valenciana*, and also to be heard in others that, without being competences held, affect it directly or indirectly.
  - c) The President of the *Generalitat* will be the representative of the *Comunitat Valenciana* on the Committee of the Regions.
  - d) Have exclusive jurisdiction to develop and implement European rules and provisions within the areas of its competence.
  - e) May participate, in a special way, in the framework of the Euro-Mediterranean Partnership.
4. The *Generalitat*, furthermore, may be part of and participate in supra-national regional organisations and institutions.
5. The Valencian Committee for European Affairs shall be created by Act, and shall be an advisory body responsible for advising, performing studies and formulating proposals to improve participation in European matters and discuss strategic actions by the *Comunitat Valenciana*.

#### TITLE VII: Foreign Policy Activity

##### Article 62

1. Through the *Consell*, the *Generalitat* may participate in the foreign policy activity of the State when it affects an area of its competence; it must also be heard in cases in which, although not a competence, it may be affected directly or indirectly. In this regard, pursuant to Spanish and European law, it may:

- a) Urge the Government of Spain to enter into treaties or agreements of a general or specific nature, with other States.
  - b) Participate in Spanish delegations when treaties are being negotiated which affect its area of competence or matters of specific interest to it, in a way to be determined by State legislation.
  - c) Participate in representation by the State to international organisations under the same terms as above.
  - d) Be informed by the Government of the State on the development of treaties and conventions, providing they affect the matters of its competence or are of specific interest to the *Comunitat Valenciana*, as well as to be heard, on certain occasions, before expressing consent, except as set forth in Articles 150.2 and 93 of the Spanish Constitution.
  - e) To implement international treaties and conventions on its territory, as well as resolutions and decision by international organisations of which Spain is a member, on all matters affecting the areas of competence of the *Comunitat Valenciana* under this Autonomy Statute.
2. The *Generalitat* shall undertake foreign policy activity, to the extent it is more favourable to its areas of competence and providing it does not legally compromise the State in its international relations, nor amount to interference in matters that are reserved for the State, through international activities by the regions.
  3. The Valencian Public authorities shall work to promote peace, solidarity, tolerance, respect for human rights and development cooperation with the ultimate goal of eradicating poverty. To achieve this goal, it will establish programmes and agreements with social partners in cooperation organisations and public and private institutions to ensure the effectiveness of such policies in the *Comunitat Valenciana* and abroad.
  4. With the authorisation of *Les Corts* (Valencian Parliament), the *Generalitat* may enter into collaboration agreements to develop and provide services with other European regions.
  5. The *Generalitat* may, in matters within its areas of competence, establish non-regulatory agreements with other States, provided they are not international treaties, and they are reported to *Les Corts*.

– Organic Act 6/2006, of 19 July, on reform of the Autonomy Statute of Catalonia (BOE 172, 20.07.06).

*Note:* Shown are the articles of the reformed Statute that are of special interest from an International Law standpoint.

#### Article 1. Catalonia

Catalonia, as a nationality, exercises its self-government as an Autonomous Community under the Constitution and under this Statute, which is its basic institutional law.

## Article 3. Political context

1. Relations between the *Generalitat* and the State are based on the principle of mutual institutional loyalty and governed by the general principle according to which the *Generalitat* is the State, through the principles of autonomy, bilaterality and also multilaterality.
2. The political and geographical space of reference for Catalonia is the Spanish State and the European Union, and it embodies the values, principles and obligations that are derived from being part of same.

## Article 4. Guiding principles and rights

1. The public authorities of Catalonia must promote the full exercise of the freedoms and rights acknowledged under this Statute, the Constitution, the European Union, the Universal Declaration of Human Rights, the European Covenant on the Protection of Human Rights and other international treaties and conventions signed by Spain that recognise and guarantee fundamental rights and freedoms.

## Article 13. Catalanian communities abroad

Under the terms set forth by the Act, the *Generalitat* must promote social, economic and cultural ties with Catalanian communities abroad and provide them with needed assistance. For such purpose, the *Generalitat* may enter into cooperation agreements, as appropriate, with public or private institutions pertaining to the territories or countries where Catalanian communities exist abroad and may ask the State to sign international treaties in this regard.

Article 113. Areas of competence of the *Generalitat* and European Union law

The *Generalitat* is responsible for developing, implementing and carrying out European Union law when it affects an area of its competence, under the terms set forth in Title V.

## Article 138. Immigration

1. In the area of immigration, the *Generalitat* is responsible for:
  - a) Exclusive competence in the area of initial reception of immigrants, including social, health and orientation measures.
  - b) Implementing immigrant integration policy within the framework of its competence.
  - c) Establishing and regulating the measures needed for the social and economic integration of immigrants and their participation in society.
  - d) Establishing by Act of a frame of reference for receiving and integrating immigrants.
  - e) Promoting, integrating and aiding returnees, and establishing policies and measures facilitating their return to Catalonia.

2. The *Generalitat* holds executive competence in the area of authorising aliens to be able to work in Catalonia. This competence, to be with the necessary coordination with the State in regard to the entry and residence of aliens, includes:
  - a) Processing and resolving on initial work permits for employed and self-employed immigrants.
  - b) Processing and resolving appeals entered in relation to the applications referred to in subparagraph a) and enforcement of the inspection and sanction regimes.
3. The *Generalitat* is responsible for participating in State decisions on immigration that are of special importance to Catalonia and participation is required in particular in determining the contingent for alien workers through the mechanisms set forth in Title V.

TITLE V: On the institutional relations of the *Generalitat*

CHAPTER II: Relations between the *Generalitat* and the European Union

Article 184. General provision

Under the terms set forth in this Statute and State law, the *Generalitat* participates in matters relating to the European Union that affect the areas of competence and interests of Catalonia.

Article 185. Participation in European Union treaties

1. The *Generalitat* must be informed by the Government of the State of initiatives to revise European Union treaties and of subsequent signing and ratification processes. The Government of the *Generalitat* and the *Parliament* shall address any comments they deem appropriate in this regard to the Government of the State and the *Cortes Generales* (Parliament of Spain).
2. The Government of the State may include *Generalitat* representatives on Spanish delegations that participate in original treaty review and negotiation processes and the adoption of new treaties, on matters affecting the areas of exclusive *Generalitat* competence.

Article 186. Participation in shaping positions of the State

1. The *Generalitat* participates in shaping positions of the State vis-à-vis the European Union, especially the Council of Ministers, on matters relating to the areas of competence and interests of Catalonia, under the terms established in this Statute and pertinent legislation in force.
2. The *Generalitat* must participate bilaterally in shaping the positions of the State on European affairs that affect it exclusively. In all other cases, participation is to be carried out under such multilateral procedures as may be established.
3. The position set forth by the *Generalitat* is decisive in shaping the position of the State if it affects its areas of exclusive competence and if the Euro-

pean proposal or initiative may have financial or administrative repercussions of special relevance to Catalonia. In all other cases, such position must be heard by the State.

4. The State shall provide complete and up-to-date information to the *Generalitat* on initiatives and proposals presented at the European Union. The Government of the *Generalitat* and the Parliament of Catalonia should address to the Government of the State and the *Cortes Generales*, as appropriate, any comments or proposals they deem pertinent regarding such initiatives or proposals.

#### Article 187. Participation in European institutions and agencies

1. The *Generalitat* participates in Spanish delegations to the European Union that deal in matters within the legislative competence of the *Generalitat* itself, particularly to the Council of Ministers and the consultative and preparatory bodies of the Council and the Commission.
2. When referring to matters under the exclusive competence of the *Generalitat*, the participation set forth in the previous paragraph shall permit, upon agreement, representation and chairing of such delegations, in accordance with applicable law.
3. The *Generalitat*, in agreement with the State, participates in the designation of representatives in the context of the Permanent Mission to the European Union.
4. The Parliament may establish relations with the European Parliament in areas of common interest.

#### Article 188. Participation in monitoring the principles of subsidiarity and proportionality

The Parliament shall take part in the monitoring process of the principles of subsidiarity and proportionality established by the European Union in regard to European legislative proposals when such proposals affect areas of the competence of the *Generalitat*.

#### Article 189. Development and implementation of European Union law

1. The *Generalitat* applies and implements European Union law in its areas of competence. The existence of a European regulation does not change the internal arrangement distribution of areas of competence established by the Constitution and this Statute.
2. Should the implementation of European Union law require internal measures to be adopted whose scope exceeds that of the territory of Catalonia that competent Autonomous Communities cannot not adopt through cooperation or coordination mechanisms, the State must consult the *Generalitat* regarding such circumstances before adopting any such measures. The *Generalitat* must participate in any bodies that adopt such measures or, if such participation is not possible, must issue a prior report.

3. Should the European Union establish legislation that takes the place of the Basic Law of the State, the *Generalitat* may adopt implementing legislation on the basis of the European law.

#### Article 190. Management of European funds

It corresponds to the *Generalitat* to manage European funds in matters of its competence under the terms set forth in Articles 114 and 210.

#### Article 191. Actions before the Court of Justice

1. The *Generalitat* has access to the European Union Court of Justice as established under European law.
2. The Government of the *Generalitat* may urge the Government of the State to bring action before the European Union Court of Justice in defence of the legitimate interests and areas of competence of the *Generalitat*. The *Generalitat* shall collaborate in the legal defence.
3. Any refusal by the Government of the State to take requested action must be motivated and notified to the *Generalitat* immediately.

#### Article 192. *Generalitat* Delegation to the European Union

The *Generalitat* shall establish a delegation to best defend its interests in the European Union institutions.

### CHAPTER III: Foreign policy activity by the *Generalitat*

#### Article 193. General provisions

1. The *Generalitat* must promote the projection of Catalonia abroad and further its interests in this context while respecting the jurisdiction of the State over foreign relations.
2. The *Generalitat* is able to engage in activities that have a foreign projection that arise directly from its areas of jurisdiction, either directly or through the organs of the General State Administration.

#### Article 194. Offices abroad

For the promotion of the interests of Catalonia, the *Generalitat*, may establish offices abroad.

#### Article 195. Collaboration agreements

To promote the interests of Catalonia, the *Generalitat* may sign collaboration agreements in its areas of competence. For such purpose, the foreign representative bodies of the State shall provide *Generalitat* initiatives with needed support.

#### Article 196. Treaties and international agreements

1. The Government of the State shall inform the *Generalitat* in advance of any treaties that directly and solely affect the areas of competence of Catalonia. The *Generalitat* and the Parliament shall address any observations they deem pertinent to the Government.

2. In the case of treaties that affect Catalonia alone, the *Generalitat* may request the Government to include *Generalitat* representatives on the negotiating delegations.
3. The *Generalitat* may request the Government to enter into international treaties in matters of its competence.
4. The *Generalitat* must adopt the necessary measures to implement the obligations derived from the international treaties and agreements ratified by Spain or that bind the State in the areas of its competence.

Article 197. Cross-border, inter-regional and development cooperation

1. The *Generalitat* must promote cooperation with the European regions with which it has shared economic, social, environmental, and cultural interests, and establish appropriate relations.
2. The *Generalitat* must promote cooperation with other territories under the terms set forth in paragraph 1.
3. The *Generalitat* must promote development cooperation programmes.

Article 198. Participation in international organisations

The *Generalitat* must participate in the international organisations that deal in the matters of interest to Catalonia, especially UNESCO and other cultural organisations, as established by the appropriate law.

Article 199. Coordination of foreign policy activity

The *Generalitat* must promote and coordinate, within the areas of its competence, the foreign policy activities of the local entities, and the agencies and other public entities of Catalonia, without detriment to the autonomy they may enjoy.

Article 200. International projection of the organisations of Catalonia

The *Generalitat* should promote the international projection of social, cultural and sports organisations of Catalonia and, where appropriate, their affiliation to similar international entities, in the framework of compliance with their goals.

## VII. TERRITORY

### 1. Air

– Order PRE/3206/2006, of 17 October, partially amending the Order of 18 January 1993 of the Ministry with relations with the Courts and of the Government Secretariat on prohibited and restricted flight zones (*BOE* 250, 19.10.06).

*Note:* Enhances security measures over the Royal Palace of Madrid and the National Police Corps Training Centre in Avila, changing the denomination of the current no-fly and restricted flight zones of Cala Mayor (Palma de Mallorca), to adapt them to the numerical order of the no-fly and restricted flight zones in the amended order.

– Order PRE/3797/2006, of 12 December, partially amending the Order of 18 January 1993 of the Ministry with relations with the Courts and of the Government Secretariat on prohibited and restricted flight zones (*BOE* 298, 14.12.06).

*Note:* Eliminates the no-fly zone in Algeciras and Algeciras Bay (Cadiz), as a result of the joint-use agreement for the Gibraltar airport. A new restricted flight zone is created for all types of aircraft except for civil aircraft with approved instrumental flight plans following established routes.

## VIII. SEAS, WATERWAYS, SHIPS

### 1. Fisheries

– Order APA/66/2006, of 19 January, amending the Order APA/676/2004, of 5 March, regulating fishing with purse seine nets in the national fishing grounds in the Bay of Biscay and northwest Spain (*BOE* 21, 25.01.06).

– Royal Decree 284/2006, of 10 March, amending the Royal Decree 1428/1997, of 15 September, regulating fishing with small tackle in the fishing grounds in the Gulf of Cadiz, in regard to the technical features of hook sets (*BOE* 74, 28.03.06).

– Royal Decree 395/2006, of 31 March, establishing rules for the fishing fleet that operates with setnets and small tackle in the Mediterranean Sea (*BOE* 94, 20.04.06).

*Note:* The purpose of this Royal Decree is to establish the measures to govern Spanish ships using fixed and small tackle that fish in the outer waters of the Mediterranean fishery in order to achieve optimum adaptation of their fishing capacity to the status of the resources.

– Order APA/1592/2006, of 18 May, that regulates the authorisation procedure for red coral fishing (*BOE* 125, 26.05.06).

– Order APA/2521/2006, of 27 July, that regulates the use of surface long lines for fishing highly migratory species and for which the unified surface long line census is created (*BOE* 183, 2.08.06).

## IX. INTERNATIONAL SPACES

### 1. Space

– Order PRE/3289/2006, of 23 October, that designates the Delegate Authority for Security and Classified Information of the European Space Agency, and creates the Central Classified Information Register of the European Space Agency (*BOE* 257, 27.10.06).

*Note:* The Secretary of State-Director of the National Intelligence Centre is designated as the Delegate Authority for Security of the European Space Agency.

## **X. ENVIRONMENT**

### **1. General**

– Order MAM/1444/2006, of 9 May, that designates the Directorate General for Environmental Quality and Evaluation of the Ministry of the Environment as the National Authority in the National Atmospheric Pollutant Emissions Inventory System (*BOE* 115, 15.05.06).

### **2. Fauna and Flora**

– Resolution of 17 January 2006, by the Directorate General for Biodiversity providing for publication of the Agreement of the Council of Ministers dated 16 December 2005, authorising the inclusion of the following Spanish wetlands in the list of the Convention on Wetlands of International Importance especially as Waterfowl Habitat, done at Ramsar, Iran, on 2 February 1971: Parque Nacional de Aigüestortes i Estany de Sant Maurici, the wetlands of the Peñalara massif, the wetlands of the Sierra de Urbión, the Paraje Natural Punta Entinas-Sabinar, the Reserva Natural Complejo Endorreico de Espera, Reserva Natural Laguna del Conde or El Salobral, Reserva Natural Laguna de Tíscar, Reserva Natural Laguna de los Jarales, the Padul Wetlands and Peat Bog, the Paraje Natural Laguna de Palos y las Madres, the Reserva Natural Laguna Honda, the Reserva Natural Laguna del Chinche, the Reserva Natural Lagunas de Campillos, the Paraje Natural Brazo del Este, and the enlargement of the Doñana Ramsar area and the redefinition of the borders of the Ramsar pool area and the Valdoviño sands (*BOE* 47, 24.02.06 and 253, 23.10.06).

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

### **1. General Provisions**

– Royal Decree 519/2006, of 28 April, that establishes the Volunteer Worker Statute (*BOE* 114, 13.5.06).

*Note:* In its Article 38.2, Act 23/1998, of 7 July, on International Development Cooperation set forth a mandate to approve a Voluntary Worker Statute, a legal framework covering a series of essential aspects for voluntary workers, such as rights and obligations, incompatibility, training, homologation of the services provided and social security arrangements.

The purpose of this Royal Decree is to ensure the rights, especially the labour rights, of persons who engage in cooperation activities and to contribute to better undertaking of the international cooperation activities that are considered part of the State's foreign policy activity insofar as they involve certain obligations for the Spanish Administration abroad and affect and must fall within the framework of the foreign policy that it is the Government's responsibility to determine as set

forth under Article 97 of the Constitution. For these purposes certain obligations of voluntary workers and management entities are also regulated. The rules set forth in the Royal Decree are therefore based on the competence of the State in regard to labour law and matters of public civil service (Articles 149.1.7 and 18 of the Constitution) and generally under the title corresponding to international relations (Article 149.1.3 of the Constitution), and the Royal Decree pays special attention to the co-responsibility of autonomous communities, and, where appropriate, other public administrations, in these fields through agreements to which they be parties with the General State Administration.

#### Article 1. Purpose of the Statute on Volunteer Workers

The purpose of this Royal Decree is to approve a Statute on Volunteer Workers which sets forth their specific rights and obligations, their incompatibilities, their training, the homologation of the work they do and the social security modalities, in compliance with Article 38.2 of Act 23/1998, of 7 July, on International Development Cooperation.

#### Article 2. Scope of application

1. For the purposes of this Statute, volunteer workers are individuals who participate in implementation on site of a specific international development or humanitarian aid cooperation instrument in any of its phases, to be carried out in a country or territory benefiting from development aid policy, as part of the foreign policy activity of the State pursuant to Article 3 of Act 23/1998 of 7 July, who have a legal relationship to a person or entity that promotes such development or humanitarian action, under the terms set forth in Article 3 of this Royal Decree.
2. For the purposes of this Statute, the persons or entities who manage international development or humanitarian cooperation are any individuals or corporate entities, whether public or private, that organise, promote, develop or implement development cooperation or humanitarian aid activities in countries or territories as set forth in paragraph 4 of this article, independent of whether the funding of such projects is public or private.
3. For the purposes of the previous paragraph, private individuals or corporate entities shall be considered managers of development cooperation or humanitarian aid when they meet the requirements set forth in Art. 32 of Act 23/1998, of 7 July on International Development Cooperation, and are duly registered with the *Agencia Española de Cooperación Internacional* (Spanish International Cooperation Agency), which is governed by Royal Decree 993/1999, of 11 June.
4. The countries and territories that are considered the beneficiaries of development aid are those which are defined as such by the Development Assistance Committee of the Organisation for Economic Cooperation and Development, or its substitute entity, and any other country in which a state of humanitarian emergency is declared.

5. Local personnel hired by the cooperation management entity shall be not considered volunteer workers. The relationship of such local personnel with the person or the entity employing them shall be governed by the laws of the State as determine by applicable International Law.

– Order PRE/1441/2006, of 28 April, that publishes the Agreement by the Council of Ministers to establish Volunteer Worker Day.

*Note:* This Order provides that every 8 September will be set forth as Volunteer Worker Day, as it coincides with the date of the Millennium Declaration adopted by the General Assembly of the United Nations in the 8th Plenary Meeting (year 2000) (*BOE* 114, 13.05.06).

– Act 38/2006, of 7 December, regulating management of the external debt (*BOE* 293, 8.12.06).

*Note:* The purpose of this Act is to determine the principles and regulate the instruments on which the management of the external debt owed to Spain is to be based and implemented. The external debt to which this Act refers is derived from the bilateral credits granted on concessionary terms by the Spanish State under the *Fondo de Ayuda al Desarrollo* (Development Assistance Fund), as well as for the sovereign debt arising from export credit insurance granted by the *Compañía Española de Crédito a la Exportación* (Spanish Export Credit Company), as well as any other external lending mechanism.

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

– Order ITC/60/2006, of 12 January, amending Annex I of the Royal Decree 1782/2004, of 30 July, approving the Regulation on foreign trade control on defence materiel, other materials and dual-use products and technologies (*BOE* 20, 24.01.06).

– Royal Decree 416/2006, of 11 April, establishing the organisation and deployment of the Army, the Navy and the Air Force, as well as the Military Emergency Unit (*BOE* 96, 22.04.06).

– Act 8/2006, of 24 April, on Soldiers and Seamen (*BOE* 98, 25.04.06).

*Note:* Article 3. Eligibility requirements for professional soldiers and seamen

1. To be eligible to be a professional soldier or seaman, the following requirements must be met:
  - a) The person must be a Spanish citizen or a national of a country as determined by regulation from among those that have special historical, cultural and linguistic ties with Spain.
2. For aliens to be eligible to be a professional soldier or seaman, in addition to meeting the requirement set forth in the previous paragraph, they must have legal resident status in Spain.

Article 10. Termination and resolution of the long term commitment

f) Through loss of Spanish citizenship.

Article 11. Extension of commitment

3. Aliens who have applied for Spanish citizenship and have completed six years of service may extend their commitment by a maximum of three years, however in no case may long-term commitment be authorised unless Spanish citizenship is obtained.

### **3. Cultural Cooperation**

– Resolution of 24 October 2006, by General Technical Secretariat, providing for the publication of the General Regulation, Special Regulations nos. 1 and 2 and the model participation contract in the 2008 Zaragoza International Exposition (*BOE* 261, 1.11.06).

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

– Order ITC/1018/2006, of 29 March, replacing the Order of 26 February 1986 regulating the foreign trade regime of the Canary Islands, Ceuta and Melilla (*BOE* 83, 7.04.06).

– Royal Decree 606/2006, of 19 May, regulating the Interministerial Commission for the World Trade Organization negotiations.

*Note:* According to Article 1, the purpose of the Interministerial Commission on World Trade Organisation Negotiations (ICWTO) is to coordinate the points of view of the different Ministries involved on aspects relating to their respective areas of competence to facilitate the establishment of a Spanish position in negotiations as may take place in the WTO (*BOE* 135, 7.06.06).

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

– Order EHA/1674/2006, of 24 May, whereby, in regard to Tax on Non-Residents, when income is obtained without there being a permanent establishment, a special procedure is established to accredit the residence of certain non-resident shareholders or stakeholders, in cases of cross-border share or stake trading by Spanish collective investment institutions through global accounts with foreign resident intermediaries, and regulating the reporting requirements of such intermediaries to the Spanish tax administration (*BOE* 130, 1.06.06).

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

– Royal Decree 1185/2006, of 16 October, laying down the Regulation on maritime radio communications on board Spanish civilian vessels (*BOE* 261, 1.11.06).

## 7. Air Traffic and Transport

- Order FOM/28/2006, of 12 January, modifying annex I of Decree 1675/1972 of 26 June on air navigation assistance tariffs (Eurocontrol) and amending the late payment interest rate on the payment of such tariffs (*BOE* 17, 20.01.06).
- Order FOM/1518/2006, of 5 May, partially replacing annex I of Decree 1675/1972 of 26 June on air navigation assistance tariffs (Eurocontrol) (*BOE* 119, 19.05, 06).
- Order FOM/2473/2006, de 21 de July, partially replacing annex I of Decree 1675/1972 of 26 June on air navigation assistance tariffs (Eurocontrol) (*BOE* 181, 31.07.06).
- Order FOM/3693/2006, de 24 de November, partially replacing annex I of Decree 1675/1972 of 26 June on air navigation assistance tariffs (Eurocontrol) (*BOE* 290, 5.12.06).

## 8. Labour, Social Security and Immigration

- Royal Decree 3/2006, of 16 January, regulating the make-up, areas of competence, and operations of the Forum for the Social Integration of Immigrants (*BOE* 14, 17.01.06).

*Note:* By this Royal Decree some of the functions already performed by the Forum are redefined and new functions are added to enhance it, especially with regard to being able to promote or prepare studies and/or initiatives related to the social integration of immigrants, to draft reports on proposals, plans and programmes not only when asked to do so by the General State Administration, but also on its own initiative or in cooperation with other similar organs of different geographical areas so as to better coordinate and enhance actions to benefit immigrant integration. Of special relevance is the inclusion of mandatory consultation of the Forum by the General State Administration in regard to legal provisions and plans and programmes at the State level affecting the social integration of immigrants.

- Royal Decree 100/2006, of 3 February, amending the Royal Decree 562/2004, de 19 de April, laying down the basic structure of the ministerial departments (*BOE* 30, 4.02.06).

*Note:* Creates, among others, the Directorate General for Immigrant Integration, within the Ministry of Labour and Social Affairs. The creation of this organ, like that of the Secretariat of State for Immigration and Emigration, is done as part of the implementation of overall immigration policy through this executive organ that is specifically and exclusively devoted to the development and promotion of immigrant integration, a scope of activity which is more than warranted in view of the development of the migratory phenomenon in Spain over the last ten years, in which the presence of immigrants has increased notably, from just over half a million immigrants in 1996 to over 2,700,000 at the end of 2005.

– Order TAS/292/2006, of 10 February, to the implementation of the Royal Decree 728/1993, of 14 May, establishing public welfare pensions for the elderly to benefit Spanish emigrants (*BOE* 36, 11.02.06).

– Royal Decree 176/2006, of 10 February, regulating the terms and conditions for inclusion in the General Regime of the Social Security System of religious leaders and imams pertaining to communities that are members of the Islamic Commission of Spain (*BOE* 42, 18.02.06).

– Resolution of 14 March 2006, by the Directorate General for Emigration, establishing a special deadline for Brazil for submission of the certificate of life and statement of income by beneficiaries of public welfare pensions (*BOE* 74, 28.03.06).

– Royal Decree 603/2006, of 19 May, regulating direct grants of aid to certain entities for providing humanitarian assistance to vulnerable immigrants who reach the Autonomous Community of the Canary Islands.

*Note:* This Royal Decree is to regulate direct grants of aid to entities and organisations to finance actions undertaken during 2006 to provide humanitarian assistance to vulnerable immigrants who reached the Canary Islands, through temporary reception in peninsular Spain, provision of materials to cover basic needs, information, orientation, and mediation actions, and pocket money (including travel and transfer expenses). The entities and organisations include the Spanish Red Cross (CRE), the *Asociación Comisión Católica Española de Migración* (ACCEM), the *Comisión Española de Ayuda al Refugiado* (CEAR), the *Consortio de Entidades para la Acción Integral con Inmigrantes* (CEPAIM) and the *Movement for Peace, Disarmament and Freedom* (MPDL) (*BOE* 127, 29.05.06 and 161, 7.07.06).

– Royal Decree 845/2006, of 7 July, regulating a special grant to be given to the Kingdom of Morocco to improve its border controls and fight illegal emigration.

*Note:* As a result of the continued rise in attempts to enter Spain by irregular immigrants at border perimeters in Ceuta and Melilla, in addition to continued arrivals in the Canary Islands of boatloads of irregular immigrants from the West African coasts, it is considered necessary to undertake a number of actions, both in our own territory and on our own borders and in countries where the emigrant phenomenon originates and through which irregular immigrants transit on their way to Spain. It is considered that reasons of public, social and humanitarian interest warrant granting direct aid to the Kingdom of Morocco to improve their border surveillance (*BOE* 162, 8.07.06).

– Royal Decree 865/2006, of 14 July, establishing regulations for public subsidies to beneficiaries of the Refugee Reception Centres that are part of the Migration Centre network of the Ministry of Labour and Social Affairs (*BOE* 168, 15.07.06).

- Resolution of 4 July 2006, by the Directorate General for Emigration, establishing the deadline for presentation of the certificate of life and the income statement by beneficiaries of public welfare pensions for the elderly and economic benefits to which citizens of Spanish origin who were sent abroad as children because of the Civil War and who lived most of their life outside national territory are entitled (*BOE* 168, 15.07.06).
- Royal Decree 1142/2006, of 6 October, regulating the direct grant of subsidies to entities providing humanitarian aid to vulnerable immigrants who arrive at the Autonomous Community of the Canary Islands, the Autonomous Community of Andalucía and the Cities of Ceuta and Melilla (*BOE* 240, 7.10.06).
- Order PRE/3483/2006, of 13 November, creating the alien internment centres in Santa Cruz de Tenerife, Algeciras and Fuerteventura (*BOE* 273, 15.11.06).
- Order TAS/3698/2006, of 22 November, regulating the registration of non-community alien workers in the Public Employment Bureaus and Placement Agencies (*BOE* 291, 6.12.06).

*Note:* Non-community aliens, at least sixteen years of age, who in application of this regulation on stay and work by aliens in Spain are recognized as being entitled to enter the labour market may register as job-seekers with the public employment bureaus and placement agencies. An alien worker is considered to be any individual who does not have Spanish citizenship and is not a national of any of the member States of the of the European Union, nor of any of the other States parties to the Agreement on the European Economic Area, who performs or seeks to perform in Spain a lucrative occupation or professional activity either on a self-employed basis or as an employee, as well as any national of a Member State that is subject to a transitional period before being entitled to free circulation of workers, during such transitional period.

- Act 40/2006, of 14 December, on the Statute of Spanish citizenship abroad (*BOE* 299, 15.12.06 and 31, 5.02.07).

*Note:* There are approximately one and a half million Spanish nationals and their descendents who live outside Spanish territory. These Spanish nationals, owing to their special status and conditions, require specific treatment by the State which, in compliance with Article 14 of the Spanish Constitution of 1978, guarantees Spanish nationals residing abroad the exercise of the constitutional rights and obligations on equal footing with residents of Spain, with the commitment by the public authorities to adopt the necessary measures to remove the obstacles preventing them from being effectively exercised. This Act is divided into four titles. The Preliminary Title determines the purposes of the Statute and is configured as the legal framework that provides for Spanish nationals residing to be able to exercise of their constitutions rights and obligations on equal terms with Spanish nationals residing in Spain, through regulations to be drafted subsequently. Title II deals with comprehensive return policy. Lastly, Title III contemplates the mechanisms

and instruments for cooperation, collaboration and coordination of actions by the different Public Administrations competent in this matter, in order to ensure the effective exercise of the rights and obligations that the Statute recognises for Spanish nationals who reside abroad and returnees to Spain.

### **9. Health and Relief Cooperation**

– Royal Decree 65/2006, of 30 January, establishing the requirements for the import and export of biological samples (*BOE* 32, 7.02.06).

*Note:* Establishes the requirements for the import and export of biological samples for human diagnosis or research and creates a voluntary register of importers and exporters of these samples.

### **10. Recognition of Qualifications**

– Order PRE/572/2006, of 28 February, implementing Royal Decree 1665/1991, of 25 October, that regulates the general system for recognising Higher Education degrees from Member States of the European Union and other States parties to the Agreement on the European Economic Space, that require a minimum of three years of study, in regard to the professions to be listed by the Ministry of Industry, Tourism and Trade (*BOE* 53 and 122, 3.03 and 23.05.06).

– Order ECI/1128/2006, of 6 April, concerning the implementation of Royal Decree 717/2005, of 20 June, regulating the curricula at schools party to the agreement between the Ministry of Education and Science and The British Council (*BOE* 93, 19.4.06).

– Order ECI/1519/2006, of 11 May, establishing the general criteria for determining and carrying out supplementary training requirements prior to homologation of foreign higher education degrees (*BOE* 119, 19.05.06).

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

– Act 16/2006, of 26 May, regulating the Status of the National Member of Eurojust and relations with this organ of the European Union (*BOE* 126, 27.05.06).

– Organic Act 5/2006, of 5 June, supplement to the Act on the Efficacy in the European Union of seizure orders and the securing of evidence in criminal proceedings, modifying Organic Act 6/1985, of 1 July, on the Judiciary (*BOE* 134, 6.06.06 and 141, 14.06.06).

– Act 18/2006, of 5 June, on the Efficacy in the European Union of seizure orders and the securing of evidence in criminal proceedings (*BOE* 134, 6.06.06).

– Royal Decree 710/2006, of 9 June, on the implementation of the Cooperation Agreements signed by the State with the *Federación de Entidades Religiosas Evangélicas de España* (Federation of Evangelical Religious Entities of Spain), the *Federación de Comunidades Judías de España* (Federation of Jewish Communities of Spain) and the *Comisión Islámica de España* (Islamic Commission of Spain), in the area of religious aid in the prison system (*BOE* 138, 10.06.06).

## **XII. INTERNATIONAL ORGANIZATIONS**

### **XIII. EUROPEAN UNION**

– Royal Decree 282/2006, of 10 March, establishing Spanish requirements for recognition of award and use of the Medal for Service to European Security and Defence created by the European Union (*BOE* 76, 30.03.06).

– Order EHA/3704/2006, of 29 November, ordering the issue, coining and circulation of 2-euro coins commemorating the 50th anniversary of the signing of the Rome Treaty (*BOE* 292, 7.12.06).

– Order EHA/3706/2006, of 29 November, ordering the issue, coining and circulation of collectors' coins on "European Achievements" (*BOE* 292, 7.12.06).

– Order EHA/3836/2006, of 12 December, agreeing to the issue, coining and circulation of collectors' coins commemorating the 5th anniversary of the Euro (*BOE* 301, 18.12.06).

## **XIV. INTERNATIONAL RESPONSIBILITY**

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

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

## **XVII. WAR AND NEUTRALITY**