

Treaties to Which Spain is a Party Concerning Matters of Public International Law, 2005

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

I. INTERNATIONAL LAW IN GENERAL

II. SOURCES OF INTERNATIONAL LAW

III. RELATIONSHIP BETWEEN INTERNATIONAL AND MUNICIPAL LAW

IV. SUBJECTS OF INTERNATIONAL LAW

V. THE INDIVIDUAL AND INTERNATIONAL LAW

1. Aliens

– Agreement between the Kingdom of Spain and the Swiss Confederation on readmission of illegal aliens and Protocol for its implementation, done at Madrid on 17 November 2003.

Entry into force: 12/01/05 (*BOE* 17, 20/01/05).

2. Human rights

– Resolution of 29 November 2005, of the Technical Secretariat-General of the Ministry of Foreign Affairs regarding the objection of Spain to the reservations formulated by the United Arab Emirates to the Convention on the elimination of all forms of discrimination against women, done at New York on 18 December 1979. *Deposit of the reservation*: 6/10/05 (BOE 296, 12/12/05).

Note: “The Government of the Kingdom of Spain has examined the reservations entered by the Government of the United Arab Emirates to article 2, subparagraph (f); article 9; article 15, paragraph 2; and article 16 of the Convention on the Elimination of All Forms of Discrimination against Women upon its accession to that instrument on 6 October 2004.

The Government of the Kingdom of Spain considers that these reservations are incompatible with the object and purpose of the Convention, since they are intended to exempt the United Arab Emirates from obligations relating to essential aspects of the Convention: one of a general nature, namely the adoption of measures, including legislation, to eliminate all forms of discrimination against women (article 2, subparagraph (f)), and others concerning specific forms of discrimination in relation to nationality (article 9), legal capacity in civil matters (article 15, paragraph 2) and marriage and family relations (article 16).

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

Moreover, the reservation to article 16 of the Convention makes a general reference to the principles of Islamic law without specifying their content, with the result that the other States parties cannot precisely determine the extent to which the Government of the United Arab Emirates accepts the obligations set out in article 16 of the Convention.

Accordingly, the Government of the Kingdom of Spain objects to the reservations entered by the Government of the United Arab Emirates to article 2, subparagraph (f); article 9; article 15, paragraph 2; and article 16 of the Convention on the Elimination of All Forms of Discrimination against Women.

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

VI. ORGANS OF THE STATE

1. Diplomatic Relations

– Agreement between the Kingdom of Spain and the Republic of Ecuador on exemption of visas for diplomatic and service passport holders, done at Quito on 20 November 2003.

Provisional application: 20/12/03 (BOE 32, 6/02/04).

Definitive entry into force: 28/02/05 (BOE 33, 8/02/05).

– Agreement between the Kingdom of Spain and the Republic of Honduras on remunerated employment for dependants of diplomatic, consular, administrative and technical staff of diplomatic and consular missions, done at Madrid on 9 May 2001.

Entry into force: 22 September 2003 (BOE 34, 9/02/05).

– Agreement between the Spanish Government and the Macedonian Government on exemption of visas for diplomatic and service passport holders, done at Madrid on 3 June 2003.

Provisional application: 3/07/03 (BOE 168, 15/07/03).

Definitive entry into force: 31/01/05 (BOE 21, 25/01/05).

2. Relations with International Organisations

– Agreement between the Kingdom of Spain and the Secretariat of the Convention on biological diversity regarding the meeting of the “Ad Hoc” Technical Expert Group on Island Biodiversity, done at Madrid on 10 December 2004.

Provisional application: 10/12/04 (BOE 83, 7/04/05).

– Framework Agreement on Cooperation between the Kingdom of Spain and the Office of the United Nations High Commissioner for Refugees, done at Geneva on 9 December 2002.

Provisional application: 9/12/02 (BOE 123, 23/05/03).

Definitive entry into force: 4/03/05 (BOE 88, 13/04/05).

– Agreement between the Kingdom of Spain and the United Nations Human Settlements Programme (UN-HABITAT) regarding the celebration in Barcelona (Spain) of the Second Session of the World Urban Forum, done at Barcelona on 13 September 2004.

Provisional application: 13/09/04 (BOE 123, 24/05/05).

– Framework Agreement between the Kingdom of Spain and the United Nations Children’s Fund (UNICEF), done “ad referendum” at Madrid on 25 February 2004.

Entry into force: 9/03/05 (BOE 130, 1/06/05).

– Headquarters Agreement between the Kingdom of Spain and the Ibero-American Secretariat-General, done at Madrid on 30 September 2005.

Provisional application: 30/11/05 (BOE 243 and 256, 11 and 26/10/05).

– Framework Agreement between the Kingdom of Spain and the United Nations Industrial Development Organisation, done at Madrid on 15 December 2004.

Entry into force: 21/07/05 (BOE 262, 2/11/05).

– Framework Agreement between the Kingdom of Spain and the United Nations Food and Agriculture Organisation, done “ad referendum” at Madrid on 27 January 2004.

Entry into force: 22/03/05 (BOE 266, 7/11/05).

– Headquarters Agreement between the Kingdom of Spain and the Organisation of Ibero-American States for Education, Science and Culture (O.E.I.), done at Madrid on 24 June 2004.

Provisional application: 24/06/04 (BOE 198, 17/8/04).

Definitive entry into force: 28/10/05 (BOE 284, 28/11/05).

VII. TERRITORY

VIII. SEAS, WATERWAYS AND SHIPS

1. Fisheries

– Amendments to the Annex to the International Convention for Regulation of Whaling, adopted at the 56th session of the International Whaling Commission, done at Monaco on 22 July 2004.

Entry into force: 28/10/04 (BOE 107, 5/05/05).

IX. INTERNATIONAL SPACES

1. Space

– Agreement between the States Parties to the Convention for the establishment of a European Space Agency and the European Space Agency for the protection and exchange of classified information, done at Paris on 19 August 2002.

Instrument of ratification: 11/11/04.

Entry into force: 1/01/05 (BOE 53, 3/03/05).

X. ENVIRONMENT

1. General

– Kyoto Protocol to the United Nations Framework Convention on Climate Change, done at Kyoto on 11 December 1997.

Instrument of ratification: 10/05/02.

Entry into force: 16/02/05 (BOE 33, 8.02 and 97, 23/04/05).

- Convention on access to information, public participation in the decision-making and access to justice in environmental matters, done at Aarhus (Denmark), on 25 June 1998.

Instrument of ratification: 15/12/04.

Entry into force: 29/03/05 (BOE 40, 16/02/05).

2. Seas

- 2003 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, done at London on 16 May 2003.

Instrument of ratification: 1/12/04.

Entry into force: 3/03/05 (BOE 28, 2/02/05).

- 2004 Amendments to Annex to the 1978 Protocol to the International Convention for the Prevention of Pollution from Ships, 1973, (Annex IV revised MARPOL 73/78), adopted by Resolution MEPC 115(51), on 1 April 2004.

Entry into force: 1/08/05 (BOE 153, 28/06/05).

- 2003 Amendments to Annex to the 1978 Protocol to the International Convention for the Prevention of Pollution from Ships, 1973 (Amendments to Regulation 13 G of Annex I of MARPOL 73/78), approved by Resolution MEPC 111(50), adopted on 4 December 2003.

Entry into force: 5/04/05 (BOE 154, 29/06/05).

- 2002 Amendments to Annex to the Protocol regarding intervention on the high seas in case of marine pollution by substances other than oil, 1973 (revision of list of substances), adopted on 11 October 2002 by Resolution MEPC 100(48).

Entry into force: 22/06/04 (BOE 191, 11/08/05).

- 2004 Amendments to Annex to the 1978 Protocol to the International Convention for the Prevention of Pollution from Ships, 1973, adopted on 1 April 2004 by Resolution MEPC 116(51).

Entry into force: 1/08/05 (BOE 254, 24/10/05).

3. Air

- Protocol to the 1979 Convention on Long-range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-level Ozone, done at Gothenburg (Sweden) on 30 November 1999.

Instrument of ratification: 14/01/05.

Entry into force: 17/05/05 (BOE 87, 12/04/05).

4. Fauna and flora

– Protocol of Amendment to the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes, done at Strasbourg on 22 June 1998.

Instrument of ratification: 30/10/03.

Entry into force: 5/12/05 (BOE 294, 9/12/05).

XI. LEGAL ASPECTS OF INTERNATIONAL COOPERATION

1. General treaties

– Basic Convention on Cooperation between the Kingdom of Spain and Bosnia and Herzegovina, done at Sarajevo on 11 June 2003.

Entry into force: 19/05/05 (BOE 140, 13/06/05).

– Framework Convention on Cooperation between the Kingdom of Spain and the Republic of Peru, done at Madrid on 6 July 2004.

Entry into force: 20/05/05 (BOE 218, 12/09/05).

2. Military and Defence Cooperation

– Treaty on the Statute of EUROFOR, done at Rome on 5 July 2000.

Entry into force: 4/02/04 (BOE 108, 6/05/05).

3. Scientific and Technical Cooperation

– Agreement on Scientific and Technological Cooperation between the Kingdom of Spain and the Republic of Portugal, done at Figueira da Foz on 8 November 2003.

Entry into force: 20/12/04 (BOE 39, 15/02/05).

– Agreement on Scientific and Technological Cooperation between the Government of the Kingdom of Spain and the Government of the Republic of South Africa, done at Barcelona on 12 May 2003.

Entry into force: 2/03/05 (BOE 54, 4/03/05).

4. Cultural Cooperation

– Exchange of Notes constituting an Agreement extending the “Agreement between the Kingdom of Spain and the United States of America on Educational, Cultural and Scientific Matters”, 27 October 1994, done at Madrid on 20 January and 2 February 2004.

Provisional application: 2/09/03 (BOE 134, 3/06/04).

Definitive entry into force: 11/01/05 (BOE 42, 18/02/05).

– Cooperation Agreement on Art and Culture between the Government of the Kingdom of Spain and the Government of the Republic of South Africa, done at Pretoria on 3 February 2004.

Entry into force: 2/02/05 (BOE 63, 15/03/05).

– Exchange of Notes of 23 December 2004 constituting a Convention between the Kingdom of Spain and the Principality of Andorra on education.

Provisional application: 23/12/04 (BOE 69, 22/03/05).

Note: This Exchange of Notes supersedes and ends the provisional application of the Convention between the Kingdom of Spain and the Principality of Andorra on education, done at Madrid on 22 December 2003 (BOE 132, 1/06/04).

– Framework Agreement between the Government of the Kingdom of Spain and the Government of the French Republic on Educational, Linguistic and Cultural Programmes in Schools of both States, done at Madrid on 16 May 2005.

Provisional application: 16/05/05 (BOE 164, 11/07/05).

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and the French Republic modifying the Convention on Cinematographic Relations and Annex of 25 March 1988, done at Madrid on 4 November 2003 and 23 March 2004.

Entry into force: 30/06/05 (BOE 183, 2/08/05).

– Amendment to the Convention of 22 November 1928 relating to International Exhibitions, modified and completed by the Protocols of 10 May 1948, 16 November 1966 and 30 November 1972 and by the Amendment of 24 June 1982, adopted by the General Assembly of the Bureau of International Exhibitions on 31 May 1988.

Instrument of acceptance: 6/07/90.

Entry into force: 19/07/96 (BOE 274, 16/11/05).

– Convention between the Government of the Kingdom of Spain and the Government of the Republic of Poland on the establishment and functioning of the Culture Institutes, done at Warsaw on 30 September 2005.

Provisional application: 30/09/05 (BOE 287, 1/12/05).

5. Sports

– Exchange of Notes constituting an Agreement between Spain and Andorra on mutual recognition of hunting and sports shooting arms licences, done at Andorra on 22 February 2005.

Provisional application: 22/02/05 (BOE 84, 8/04/05).

- Amendment to Appendix 1 of the Anti-Doping Convention of 16 November 1989, adopted by the Monitoring Group on 10 November 2004.
Entry into force: 1/01/05 (BOE 248, 17/10/05).

6. Commodities Cooperation

- International Coffee Agreement, 2001, approved by Resolution 393, done at London on 28 September 2000.
Provisional application: 1/10/01 (BOE 296, 11/12/01).
Instrument of ratification: 31/05/02.
Entry into force: 17/05/05 (BOE 148, 22/06/05).

- Amendment to paragraph 15.a of the Mandate of the International Copper Study Group, adopted by the United Nations Conference on Copper on 24 February 1989, by Decision of 17 March 2005 (BOE 248, 17/10/05).

7. Economic Cooperation

- Agreement between the Kingdom of Spain and the Arab Republic of Syria for the promotion and protection of investments, done at Damascus on 20 October 2003.
Entry into force: 14/12/04 (BOE 42, 18/02/05).
- Agreement for the promotion and protection of investments between the Kingdom of Spain and the Kingdom of Morocco, done “ad referendum” at Madrid on 11 December 1997.
Entry into force: 13/04/05 (BOE 86, 11/04/05).

8. Financial and Tax Cooperation

- Convention between the Kingdom of Spain and the Republic of Latvia for the avoidance of double taxation and the prevention of tax evasion and fraud in relation to taxes on income and on capital, done at Riga on 4 September 2003.
Entry into force: 14/12/04 (BOE 8, 10/01 and 57, 8/03/05).
- Convention between the Kingdom of Spain and the Republic of Estonia for the avoidance of double taxation and the prevention of tax evasion and fraud in relation to taxes on income and on capital, done at Tallinn on 3 September 2003.
Entry into force: 28/12/04 (BOE 29, 3/02/05).
- Exchange of Notes of 26 November 2004 and 11 April 2005, concerning the taxation of savings income, between the Kingdom of the Netherlands on behalf of Aruba and the Kingdom of Spain.
Provisional application: 1/07/05 (BOE 153, 28/06/05).
Definitive entry into force: 23/11/05 (BOE 284, 28/11/05).

– Exchange of Notes of 26 November 2004 and 26 April 2005 between the Kingdom of Great Britain and Northern Ireland on behalf of the Cayman Islands and the Kingdom of Spain, concerning the automatic exchange of information about taxation of savings income in the form of interest payments.

Provisional application: 1/07/05 (BOE 153, 28/06/05).

– Exchange of Notes of 26 November 2004 and 7 April 2005 between the Kingdom of Great Britain and Northern Ireland on behalf of Montserrat and the Kingdom of Spain, concerning the automatic exchange of information about taxation of savings income in the form of interest payments.

Provisional application: 1/07/05 (BOE 153, 28/06/05).

– Exchange of Notes of 26 November 2004 and 11 April 2005 between the Kingdom of Great Britain and Northern Ireland on behalf of the Virgin Islands and the Kingdom of Spain, concerning the automatic exchange of information about taxation of savings income in the form of interest payments.

Provisional application: 1/07/05 (BOE 154, 29/06/05).

– Exchange of Notes of 26 November 2004 and 18 February 2005, constituting an Agreement, concerning the taxation of savings income, between the Isle of Man and the Kingdom of Spain.

Provisional application: 1/07/05 (BOE 154, 29/06/05).

– Exchange of Notes of 26 November 2004 and 4 April 2005 between the Kingdom of Great Britain and Northern Ireland on behalf of the Turks and Caicos Islands and the Kingdom of Spain, concerning the automatic exchange of information about taxation of savings income in the form of interest payments.

Provisional application: 1/07/05 (BOE 154, 29/06/05).

– Exchange of Notes of 26 November 2004 and 12 April 2005, concerning the taxation of savings income, between the Kingdom of the Netherlands on behalf of the Netherlands Antilles and the Kingdom of Spain.

Provisional application: 1/07/05 (BOE 155, 30/06/05).

Definitive entry into force: 23/11/05 (BOE 284, 28/11/05).

– Exchange of Notes of 26 November 2004 and 14 February 2005, constituting an Agreement, concerning the taxation of savings income, between the Kingdom of Spain and Jersey Island.

Entry into force: 1/07/05 (BOE 155, 30/06/05).

– Exchange of Notes of 26 November 2004 and 17 February 2005, constituting an Agreement, concerning the taxation of savings income, between the Kingdom of Spain and Guernsey Island.

Entry into force: 1/07/05 (BOE 155, 30/06/05).

– Exchange of Notes of 26 November 2004 and 21 January 2005 between the Kingdom of Great Britain and Northern Ireland on behalf of Anguilla and the Kingdom of Spain, concerning the automatic exchange of information about taxation of savings income in the form of interest payments.

Entry into force: 1/07/05 (BOE 155, 30/06/05).

– Convention between the Kingdom of Spain and the People's Democratic Republic of Algeria for the avoidance of double taxation and the prevention of tax evasion and fraud in relation to taxes on income and on capital, done "ad referendum" at Madrid on 7 October 2002.

Entry into force: 6/07/05 (BOE 174, 22/07/05).

9. Postal Communications

– Acts approved by the 22nd Congress of the Universal Postal Union (UPU), done at Beijing on 15 September 1999.

Instrument of ratification: 14/01/05.

Entry into force: 1/01/01 (BOE 62, 14/03/05).

– Acts, Resolutions and Recommendations of the Postal Union of the Americas, Spain and Portugal (UPAEP), adopted by the 18th Union Congress on 12 September 2000, at Panama.

Instrument of ratification: 27/04/05.

Entry into force: 1/01/01 (BOE 163, 9/07/05).

10. Road Traffic and Transport

– Amendments proposed by Portugal to Annexes A and B of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), done at Geneva on 30 September 1957.

Entry into force: 1/01/05 (BOE 18, 21.01, 90, 15.04 and 134, 6/06/05).

– Multilateral Agreement M-160 according to Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), on carriage of certain receptacles for use in hot air balloons and hot air airships, done at Madrid on 7 September 2004 (BOE 26, 31/01/05).

– Agreement on the international carriage of perishable foodstuffs and on the special equipment to be used for such carriage (ATP), done at Geneva on 1 September 1970, with the modifications introduced on 7 November 2003.

Correction of errors: BOE 28, 2/02/05.

– Multilateral Agreement M-163 according to Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), on

carriage of empty packagings, uncleaned of Class 2, done at Madrid on 7 September 2004 (BOE 48, 25/02/05).

– Agreement between the Kingdom of Spain and the Republic of Bulgaria on international transport of passengers and cargo by road, done at Sofia on 1 September 2003.

Entry into force: 12/03/05 (BOE 66, 18/03/05).

– Multilateral Agreement M-164 according to Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), on carriage of dangerous solids in class (L) tank-vehicles, done at Madrid on 27 December 2004 (BOE 71, 24/03/05).

– Multilateral Agreement M-157 according to Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), on derogation from packing instruction P 802, done at Madrid on 23 February 2005 (BOE 108, 6/05/05).

– Multilateral Agreement M-165 according to Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), on limited Quantity pack size applicable to UN 1791 Packing Group III, done at Madrid on 23 February 2005 (BOE 113, 12/05/05).

– Amendments to Annex 1, Appendix 2 of Agreement on the international carriage of perishable foodstuffs and on the special equipment to be used for such carriage (ATP), United Nations Secretariat-General, 19 December 2003 (BOE 114, 13/05/05).

– Exchange of Notes constituting an Agreement, modifying Annex 1 of the Agreement between the Kingdom of Spain and the Republic of Bulgaria on the mutual recognition and exchange of national driving licences, of 30 April 2002, done at Sofia on 24 March 2003, 23 September 2004 and 20 April 2005.

Provisional application: 20/04/05 (BOE 154, 29/06/05).

– Exchange of Notes, on 24 May and 14 October 2004, constituting an Agreement between the Kingdom of Spain and the Republic of Chile on the mutual recognition and exchange of national driving licences.

Entry into force: 10/06/05 (BOE 156, 1/07/05).

– Multilateral Agreement M-168 according to Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), on carriage of pharmaceutical products, ready for use, done at Madrid on 21 April 2004 (BOE 157, 2/07/05).

- Exchange of Notes between the Kingdom of Spain and the Republic of Venezuela on the mutual recognition and exchange of national driving licences, done at Caracas on 16 May 2005.

Entry into force: 26/08/05 (*BOE* 210, 2/09/05).

- Agreement between Spain and Romania on the mutual recognition and exchange of national driving licences of Spanish and Romanian citizens, done at Bucharest on 1 September 2004.

Entry into force: 13/10/05 (*BOE* 256 and 296, 26.10 and 12/12/05).

- Multilateral Agreement M-170 according to Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), applicable to the carriage of hydrogen peroxide aqueous solutions stabilised (UN 2015) in portable tanks whose characteristics comply with transport instruction T9, done at Madrid on 10 June 2005 (*BOE* 263, 3/11/05).

11. Rail Traffic and Transport

- Amendments to the Regulation concerning the international carriage of dangerous goods by rail (RID 2005), annex to the Convention concerning International Carriage by Rail (COTIF), signed at Bern on 9 May 1980, adopted by the Commission of Experts on RID, at Sinaia (Romania) on 21 November 2003.

Entry into force: 1/01/05 (*BOE* 18, 21/01/05).

- Amendments of the Statutes of “Eurofima”, European Company for the financing of railway equipment. Increase in the share capital interest of the Hellenic Railways (OSE) in EUROFIMA, and amendment of article 5 of the Statutes, adopted at Basel on 16 December 2004 (*BOE* 47, 24/02/05).

- Multilateral Agreement RID 1/2004, according to Section 1.5.1 of the Regulation concerning the international carriage of dangerous goods by rail (RID), concerning a derogation from packing instruction P 802, done at Madrid on 30 December 2004 (*BOE* 125, 26/05/05).

- Amendments of the Statutes of “Eurofima”, European Company for the financing of railway equipment. Restructuring of the Austrian Federal Railways; restructuring of the Belgian National Railways; restructuring of the Spanish National Railways and amendment of article 5 of the Statutes, adopted at Rome on 18 March 2005 (*BOE* 131, 2/06/05).

- Multilateral Agreement RID 3/2004 according to Section 1.5.1 of the Regulation concerning the international carriage of dangerous goods by rail (RID), concerning the carriage of empty packagings, uncleaned, which contain residues of Class 2, done at Madrid on 30 March 2005 (*BOE* 155, 30/06/05).

- Multilateral Agreement RID 2/2005 according to Section 1.5.1 of the Regulation concerning the international carriage of dangerous goods by rail (RID), and article 6§12 of Directive 96/49/EC, concerning the carriage of solids in tanks with a tank code (L), done at Madrid on 30 March 2005 (*BOE* 157, 2/07/05).
- Multilateral Agreement RID 6/2004, according to Section 1.5.1 of the Regulation concerning the international carriage of dangerous goods by rail (RID), and article 6§12 of Directive 96/49/EC, concerning the carriage of pharmaceutical products (medicines), ready for use, done at Madrid on 20 April 2005 (*BOE* 170, 18/07/05).

12. Sea Traffic and Transport

- 2002 Amendments to the Appendix of the Annex to the 1988 Protocol to the Convention for the Safety of Life at Sea, adopted on 24 May 2002 by Resolution MSC 124(75).

Entry into force: 1/01/04 (*BOE* 22, 26/01/05).

- 2002 Amendments to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code), adopted on 12 December 2002 by Resolution MSC.135(76).

Entry into force: 1/07/04 (*BOE* 22, 26/01/05).

- Amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers [Resolution A.744(18)], adopted on 24 May 2002 by Resolution MSC.125(75).

Entry into force: 1/01/04 (*BOE* 23, 27/01/05).

- 2002 Amendments to the International Convention for the Safety of Life at Sea, 1974, adopted on 12 December 2002 by Resolution MSC.134(76).

Entry into force: 1/07/04 (*BOE* 26, 31/01/05).

- 2002 Amendments to the Condition Assessment Scheme, adopted on 11 October 2002 by Resolution MEPC.99(48).

Entry into force: 1/03/04 (*BOE* 30, 4/02/05).

- 1996 Protocol to amend the Convention on Limitation of Liability for Maritime Claims (LLMC), 1976, done at London on 2 May 1996.

Instrument of acceptance: 1/12/04.

Entry into force: 10/04/05 (*BOE* 50, 29/02/05).

The Spanish adhesion was made with the following reservations:

1. “According to paragraph 2 section b) of article 15 of the Convention on Limitation of Liability for Maritime Claims (LLMC), 1976, amended by the

1996 Protocol, the limit of liability for vessels of less than 300 registered tons is regulated by specific rules of the internal law of the Kingdom of Spain, so that in respect of such vessels the limit calculated in accordance with Article 6.1.a) and b) of the Convention is half the limit of liability applicable to a vessel of 2000 registered tons”.

2. According to Article 18.1 of the Convention on Limitation of Liability for Maritime Claims, 1976, amended by the 1996 Protocol, the Kingdom of Spain reserves the right not to apply Article 2.1.d) and e) of the Convention.

Claims in connection with Article 2.1.d) and e) of the Convention carry no right of limitation on liability and are subject to the terms of national regulations, specifically Article 107 of the State Ports and Merchant Marine Act, Law 27/1992 of 24 November”

- International Convention for the Unification of Certain Rules Relating to Limitation of the Liability of Owners of Sea-going Vessels, done at Brussels on 25 August 1924.

Denunciation: 22/12/04.

Entry into force of denunciation: 4/01/06 (BOE 52, 2/03/05).

- International Convention Relating to the Limitation of Liability of Owners of Sea-going Ships, done at Brussels on 10 October 1957.

Denunciation: 22/12/04.

Entry into force of denunciation: 4/01/06 (BOE 52, 2/03/05).

- Protocol modifying the International Convention of 10 October 1957 relating to the Limitation of Liability of Owners of Sea-going Ships, done at Brussels on 21 December 1979.

Denunciation: 22/12/04.

Entry into force of denunciation: 4/01/06 (BOE 52, 2/03/05).

- International Convention on Salvage, done at London on 28 April 1989.

Instrument of ratification: 14/01/05.

Entry into force: 27/01/06 (BOE 57, 8/03/05).

With the following reservations:

“In accordance with the provisions of Article 30.1(a), 30.1(b) and 30.1(d) International Convention on Salvage, 1989, the Kingdom of Spain reserves the right not to apply the provisions of the Convention:

- when the salvage operation takes place in inland waters and all vessels involved are of inland navigation;
- when the salvage operations take place in inland waters and no vessel is involved (for the sole purpose of these reservations, the Kingdom of Spain understands by “inland waters” continental waters that are not in connection with sea waters and are not used by seagoing vessels);

- when the property involved is maritime cultural property of prehistoric, archaeological or historic interest and is situated on the sea-bed”.

– Convention for the Unification of Certain Rules of Law relating to Assistance and Salvage at Sea, done at Brussels on 23 September 1910.

Denunciation: 10/01/05.

Entry into force of denunciation: 19/01/06 (BOE 58, 9/03/05).

– Amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers [Resolution A.744(18)], adopted on 5 June 2003 by Resolution MSC.144(77).

Entry into force: 1/01/05 (BOE 224, 19/09/05).

– Technical provisions for means of access for inspections, adopted on 12 December 2002 by Resolution MSC.133(76).

Entry into force: 1/01/05 (BOE 228, 23/09/05).

– Amendments to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on board Ships (INF Code), adopted on 6 June 2001 by Resolution MSC.118(74).

Entry into force: 1/01/03 (BOE 230, 26/09/05).

– Amendments to the Condition Assessment Scheme, adopted on 4 December 2003 by Resolution MEPC.112 (50).

Entry into force: 5/04/05 (BOE 235, 1/10/05).

– Amendments 32–04 to the International Maritime Dangerous Goods (IMDG) Code, according to Chapter VII of the International Convention for the Safety of Life at Sea (SOLAS), 1974, adopted on 20 May 2004.

Entry into force: 1/01/05 (BOE 304, 21/12/05).

13. Labour, Social Security and Emigration

– Administrative Agreement for the implementation of the Convention on Social Security between the Kingdom of Spain and the Tunisian Republic of 26 February 2001 and Special Agreement annexed to the Administrative Agreement concerning reimbursement of health care expenses, done at Tunis on 9 September 2004.

Entry into force: 1/01/02 (BOE 24, 28/01/05).

– Convention on Social Security between the Kingdom of Spain and the Republic of Peru, done “ad referendum”, in Madrid on 16 June 2003.

Entry into force: 1/01/05 (BOE 31, 5/02/05).

– Agreement between the Kingdom of Spain and the Republic of Bulgaria on the regulation of migratory flows between both States, done at Madrid on 28 October 2003.

Provisional application: 27/11/03 (BOE 299, 15/12/03).

Definitive entry into force: 19/02/05 (BOE 81, 5/04/05).

– Labour Agreement between the Kingdom of Spain and the Kingdom of Morocco, done at Madrid on 25 July 2001.

Provisional application: 24/08/01 (BOE 226, 20/09/01).

Definitive entry into force: 1/09/05 (BOE 114, 13/05/05).

– Complementary Protocol to the Convention on Social Security between the Kingdom of Spain and the Argentine Republic 28 January 1997, done at Buenos Aires on 21 March 2005.

Provisional application: 1/04/05 (BOE 122, 23/05/05).

– Agreement between the Kingdom of Spain and the Republic of Peru on cooperation of migratory flows, done at Madrid on 6 July 2004.

Provisional application: 5/08/04 (BOE 237, 1/10/04).

Definitive entry into force: 31/05/05 (BOE 159, 5/07/05).

– Agreement between the competent authority of the Kingdom of Spain and the National Social Security Council concerning the reimbursement of contributions for benefits according to Regulations (EEC) 1408/71 and 574/72, done at Madrid on 1 December 2004.

Entry into force: 1/01/05 (BOE 248, 17/10/05).

– Complementary Convention to the Convention on Social Security between the Kingdom of Spain and the Republic of Uruguay of 1 December 1997, done at Segovia on 8 September 2005.

Provisional application: 1/10/05 (BOE 287, 1/12/05).

14. Industrial and Intellectual Property

– Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977, as amended on September 26, 1980.

Communication of 19 April 2004 relating to the extension of the list of kinds of microorganisms accepted for deposit by the Colección Española de Cultivos Tipo (CECT).

Reports to the Director General of the World Intellectual Property Organisation (WIPO) that the list of kinds of microorganisms accepted for deposit by the Colección Española de Cultivos Tipo (CECT), an international depositary author-

ity under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977, as amended on September 26, 1980 (see Budapest Notification No. 106 of April 27, 1992), has been extended to include plasmids. The attached annex contains the updated list of kinds of microorganisms which may be deposited with CECT.

This communication will be posted on the WIPO website (<http://www.wipo.int/budapest>).

Annex

International Depository Authority: Colección Española de Cultivos Tipo (CECT)

Universidad de Valencia

Edificio de Investigación

Campus de Burjasot

46100 Burjasot (Valencia)

Telephone: (34-96) 354 46 12

Facsimile: (34-96) 354 31 87

E-mail: cect@uv.es

Internet: <http://www.cect.org>

Kinds of microorganisms that may be deposited:

Bacteria, including actinomycetes, which may be preserved without any significant alteration of their properties by freezing or freeze-drying, and which belong to a risk group lower than group 2 according to the definition of the United Kingdom Advisory Committee on Dangerous Pathogens (ACDP) 1984, Categorisation of Pathogens according to Hazard and Categories of Containment (HMSO, London, ISBN 0-11-883761-3).

Plasmids, filamentous fungi including yeasts, with the exception of strains known to be human, plant and animal pathogens, which may be preserved by freezing or freeze-drying without any significant alteration of their properties.

The CECT does not accept the following biological material for deposit: anaerobic microorganisms (except *Clostridium*); algae and cyanobacteria; embryos; protozoa; animal cell lines; plant cell lines; mycoplasma; plant seed; viruses; bacteriophages.

Notwithstanding the foregoing, the CECT reserves the right to reject or accept for deposit any material which in the opinion of the Director represents a risk that is either unacceptable or too difficult to handle (*BOE* 34, 9/02/05).

15. Health and Relief Cooperation

– World Health Organisation Framework Convention on Tobacco Control, done at Geneva on 21 May 2003.

Instrument of ratification: 30/12/04.

Entry into force: 27/02/05 (*BOE* 35, 10/02/05).

– Exchange of Notes of 3 and 7 February 2005, between the Kingdom of Spain and the Republic of Indonesia concerning the status of the Spanish Armed Forces in Indonesia which took part in the “Solidarity Response” operation to help victims of the tsunami in South-East Asia.

Provisional application: 7/02/05 (BOE 68, 21.03 and 107, 5/05/05).

16. Narcotics

– Agreement between the Kingdom of Spain and the Republic of Paraguay on cooperation in the prevention of trafficking in narcotic drugs and psychotropic substances, done at Asuncion on 1 August 2003.

Provisional application: 1/08/03 (BOE 240, 7/10/03)

Definitive entry into force: 5/01/05 (BOE 194, 15/08/05).

17. Civil and Criminal Cooperation

– Convention on judicial assistance in criminal matters between the Kingdom of Spain and the People’s Democratic Algerian Republic, done at Madrid on 7 October 2002.

Instrument of ratification: 2/06/04.

Entry into force: 26/03/05 (BOE 65, 17/03/05).

– Protocol established by the Council in accordance with Article 34 of the Treaty on European Union to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, done at Luxembourg on 16 October 2001.

Provisional application: Between Spain and the Netherlands, as from 5/04/05, and between Spain and Finland, as from 22/05/05 (BOE 89, 14/04/05).

Definitive entry into force: 18/10/05 (BOE 258, 28/10/05).

– International Convention for the Suppression of the Financing of Terrorism, done at New York on 9 December 1999.

Spanish objection, 20/05/05, with regard to the reservation made by the Belgium upon ratification:

The Government of the Kingdom of Spain has examined the reservation made by the Government of the Kingdom of Belgium to article 14 of the International Convention for the Suppression of the Financing of Terrorism at the time of ratifying the Convention.

The Government of the Kingdom of Spain considers that the reservation is incompatible with the object and purpose of the Convention.

The Government of the Kingdom of Spain considers, in particular, that Belgium’s reservation is incompatible with article 6 of the Convention, whereby States Parties undertake to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of the Kingdom of Spain recalls that, under the norm of customary law laid down in the 1969 Vienna Convention on the law of treaties (article 19 c), reservations which are incompatible with the object and purpose of a treaty are prohibited.

The Government of the Kingdom of Spain therefore objects to the reservation made by the Government of the Kingdom of Belgium to article 14 of the International Convention for the Suppression of the Financing of Terrorism.

This objection shall not impede the entry into force of the Convention between the Kingdom of Spain and the Kingdom of Belgium" (BOE 169, 16/07/05).

– Agreement between the Kingdom of Spain and the Republic of Latvia on cooperation in the prevention of terrorism, organised crime, trafficking in narcotic drugs and psychotropic substances and precursors and other serious crimes, done at Madrid on 24 November 2003.

Provisional application: 24/12/03 (BOE 32, 6/02/04).

Definitive entry into force: 31/05/05 (BOE 170, 18/07/05).

– Protocol modifying the Convention on extradition of 23 July 1892 between the Kingdom of Spain and the Republic of Colombia, done "ad referendum" at Madrid on 16 March 1999.

Entry into force: 17/09/05 (BOE 219, 13/09/05).

– Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union, done at Brussels on 29 May 2000.

Provisional application between Spain and Portugal: 6/10/05 (BOE 247, 15/10/03).

Definitive entry into force: 23/08/05 (BOE 258, 28/10/05).

XII. INTERNATIONAL ORGANISATIONS

– Convention between the Government of the French Republic, the Government of the Federal Republic of Germany, the Government of the Republic of Italy and the Government of the United Kingdom of Great Britain and Northern Ireland on the establishment of the Organisation for Joint Armament Cooperation (OCCAR), done at Farnborough on 9 September 1998.

Instrument of adhesion: 1/12/04.

Entry into force: 6/01/05 (BOE 27, 1.02 and 53, 3/03/05).

– Convention for the Adhesion of the Kingdom of Spain to the Convention establishing the Central American Bank for Economic Integration, as an extra-regional member, done at Madrid on 5 March 2004.

Instrument of ratification: 1/12/04.

Entry into force: 27/12/04 (BOE 32, 7.02 and 53, 3/03/05).

– Convention for the establishment of an Inter-American Tropical Tuna Commission (IATTC), done at Washington on 31 May 1949.

Instrument of adhesion: 10/01/05.

Provisional application: 6/06/03 (BOE 181, 30/07/03).

Definitive entry into force: 27/01/05 (BOE 46, 23/02/05).

– Protocol regarding an amendment to article 56 of the Convention on International Civil Aviation, done at Montreal on 6 October 1989.

Instrument of ratification: 6/11/91.

Entry into force: 18/04/05 (BOE 134, 6/06/05).

– Convention on the European Forest Institute, done at Joensuu (Finland) on 28 August 2003.

Instrument of ratification: 16/06/05

Entry into force: 4/09/05 (BOE 197, 18/08/05).

– Statute of the Ibero-American Secretariat-General, done at San Jose (Costa Rica), on 20 November 2004.

Instrument of ratification: 29/07/05.

Entry into force: 2/09/05 (BOE 227, 22/09/05).

– Amendments to Articles 24 and 25 of the Constitution of the World Health Organisation, adopted at the 51st session of the World Health Assembly on 16 May 1998.

Instrument of acceptance: 10/09/01.

Entry into force: 15/09/05 (BOE 249, 18/10/05).

– Amendments to the Agreement for the Establishment of a General Fisheries Council for the Mediterranean, done at Rome on 24 September 1949, adopted at Rome on 6 November 1997.

Entry into force: 29/04/04 (BOE 275, 17/11/05).

XIII. EUROPEAN UNION

– Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, done at Luxembourg on 29 October 2001.

Entry into force: 1/02/05 (BOE 46, 23/02/05).

– Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Chile, of the other part, done at Brussels on 18 November 2002.

Entry into force: 1/03/05 (BOE 90, 15/04/05).

XIV. INTERNATIONAL RESPONSIBILITY

XV. PEACEFUL SETTLEMENT OF DISPUTES

XVI. COERCION AND USE OF FORCE SHORT OF WAR

XVII. WAR AND NEUTRALITY

– Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949.

Convention for the Amelioration of the Conditions of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949. Convention relative to the Treatment of Prisoners of War. Geneva, 12 August 1949.

Convention relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977.

Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977.

Communication of 6 May 2004: “Spain has partially amended the rules on uniforming of Chaplains in the Religious Service of the Armed Forces (Sp. Acronym SARFAS). One of the amendments introduced constitutes an instance of adoption of domestic measures in application of norms of International Humanitarian Law. This concerns Chaplains from the Military Archbishopric taking part, with the unit to which they are posted or seconded, in operations that may involve the use of force, in which case they must display on their field uniform the international sign for religious personnel, consisting of a red cross on a white background, established for the protection of Chaplains attached to Armed Forces under the Geneva Convention of 12 August 1949 and the Additional Protocols of 8 June 1977” (*BOE* 34, 9/02/05).

– Convention for the reciprocal recognition of proof marks on small arms and Regulation with Annexes I and II, done at Brussels on 1 July 1969. Decision adopted by the Permanent International Commission for the proof of small arms at the 27th session on May 2002.

Entry into force: 20/09/03 (*BOE* 64, 16/03/05).