

Treaties Concerning Matters of Private International Law to which Spain is a Party, 2005

This section was prepared by Dr. Blanca Vilà Costa, Professor of Private International Law at the Universitat Autònoma de Barcelona.

This survey covers the treaties and other international agreements published in the *Boletín Oficial del Estado* (Official Journal of the State) and in the *Official Journal of the European Union* in the course of 2005. Its purpose is to record the legal consequences of such agreements and instruments for Spain, such as signature, ratification or accession, entry into force, provisional application, reservations or declarations, territorial application, personal sphere of application, material scope, termination, abrogation and relationship with other treaties or agreements.

I. SOURCES OF PRIVATE INTERNATIONAL LAW

II. INTERNATIONAL JURISDICTION

– Council Decision of 20 September 2005 on the signing on behalf of the Community of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (*BOE* 16/11/2005).

– Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

(*Official Journal L* 299, 16/11/2005)

To date Denmark has not been involved in the adoption of measures based on Title IV of the EC Treaty. The Community instruments adopted within the sphere of *civil judicial cooperation*, particularly the *Brussels I* Regulation (44/2001), are therefore not applicable in Denmark. On several occasions Denmark had intimated its desire to be a part of the *Brussels I* Regulation “regime”. Therefore, since the Kingdom of Denmark is a State Party to the 1968 Brussels Convention, and since an agreement of this kind can be used to *restore the previously-existing legal uniformity* before the cited Regulation comes into force, the European Commission took the view that in the general interest the personal and territorial scope of application of the common regime derived from the *Brussels I* Regulation and *Regulation 1348/2000* on service of documents, which is closely linked to the former, could be extended to admit the Kingdom of Denmark. To that end, on 15 and 18 April 2005 it presented two draft Council Decisions (*COM (2005) 145 final* and *COM (2005) 146 final*) authorising the signing and ratification of the Agreements

between the European Community and the Kingdom of Denmark, extending to the latter the provisions of *Regulation 44/2001* on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ("*Brussels I*"), and of *Regulation 1348/2000* on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (in connection with this second case, see section III *infra*). In view of its exceptional importance and its particular connections with the cited regulations, these agreements are transcribed verbatim hereafter.

Article 1

Aim

1. The aim of this Agreement is to apply the provisions of the Brussels I Regulation and its implementing measures to the relations between the Community and Denmark, in accordance with Article 2(1) of this Agreement.
2. It is the objective of the Contracting Parties to arrive at a uniform application and interpretation of the provisions of the Brussels I Regulation and its implementing measures in all Member States.
3. The provisions of Articles 3(1), 4(1) and 5(1) of this Agreement result from the Protocol on the position of Denmark.

Article 2

Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

1. The provisions of the Brussels I Regulation, which is annexed to this Agreement and forms part thereof, together with its implementing measures adopted pursuant to Article 74(2) of the Regulation and, in respect of implementing measures adopted after the entry into force of this Agreement, implemented by Denmark as referred to in Article 4 of this Agreement, and the measures adopted pursuant to Article 74(1) of the Regulation, shall under international law apply to the relations between the Community and Denmark.
2. However, for the purposes of this Agreement, the application of the provisions of that Regulation shall be modified as follows:

(a) Article 1(3) shall not apply.

(b) Article 50 shall be supplemented by the following paragraph (as paragraph 2):

"2. However, an applicant who requests the enforcement of a decision given by an administrative authority in Denmark in respect of a maintenance order may, in the Member State addressed, claim the benefits referred to in the first paragraph if he presents a statement from the Danish Ministry of Justice to the effect that he fulfils the financial requirements to qualify for the grant of complete or partial legal aid or exemption from costs or expenses."

- (c) Article 62 shall be supplemented by the following paragraph (as paragraph 2):
“2. In matters relating to maintenance, the expression ‘court’ includes the Danish administrative authorities.”
- (d) Article 64 shall apply to seagoing ships registered in Denmark as well as in Greece and Portugal.
- (e) The date of entry into force of this Agreement shall apply instead of the date of entry into force of the Regulation as referred to in Articles 70(2), 72 and 76 thereof.
- (f) The transitional provisions of this Agreement shall apply instead of Article 66 of the Regulation.
- (g) In Annex I the following shall be added: “in Denmark: Article 246(2) and (3) of the Administration of Justice Act (lov om rettens pleje)”.
- (h) In Annex II the following shall be added: “in Denmark, the ‘byret’ ”.
- (i) In Annex III the following shall be added: “in Denmark, the ‘landsret’ ”.
- (j) In Annex IV the following shall be added: “in Denmark, an appeal to the ‘Højesteret’ with leave from the ‘Procesbevillingsnævnet’ ”.

Article 3

Amendments to the Brussels I Regulation

1. Denmark shall not take part in the adoption of amendments to the Brussels I Regulation and no such amendments shall be binding upon or applicable in Denmark.
2. Whenever amendments to the Regulation are adopted Denmark shall notify the Commission of its decision whether or not to implement the content of such amendments. Notification shall be given at the time of the adoption of the amendments or within 30 days thereafter.
3. If Denmark decides that it will implement the content of the amendments the notification shall indicate whether implementation can take place administratively or requires parliamentary approval.
4. If the notification indicates that implementation can take place administratively the notification shall, moreover, state that all necessary administrative measures enter into force on the date of entry into force of the amendments to the Regulation or have entered into force on the date of the notification, whichever date is the latest.
5. If the notification indicates that implementation requires parliamentary approval in Denmark, the following rules shall apply:
 - (a) Legislative measures in Denmark shall enter into force on the date of entry into force of the amendments to the Regulation or within 6 months after the notification, whichever date is the latest;
 - (b) Denmark shall notify the Commission of the date upon which the implementing legislative measures enter into force.

6. A Danish notification that the content of the amendments has been implemented in Denmark, in accordance with paragraphs 4 and 5, creates mutual obligations under international law between Denmark and the Community. The amendments to the Regulation shall then constitute amendments to this Agreement and shall be considered annexed hereto.
7. In cases where:
 - (a) Denmark notifies its decision not to implement the content of the amendments; or
 - (b) Denmark does not make a notification within the 30-day time-limit set out in paragraph 2; or
 - (c) Legislative measures in Denmark do not enter into force within the time-limits set out in paragraph 5,this Agreement shall be considered terminated unless the parties decide otherwise within 90 days or, in the situation referred to under (c), legislative measures in Denmark enter into force within the same period. Termination shall take effect three months after the expiry of the 90-day period.
8. Legal proceedings instituted and documents formally drawn up or registered as authentic instruments before the date of termination of the Agreement as set out in paragraph 7 are not affected hereby.

Article 4

Implementing measures

1. Denmark shall not take part in the adoption of opinions by the Committee referred to in Article 75 of the Brussels I Regulation. Implementing measures adopted pursuant to Article 74(2) of that Regulation shall not be binding upon and shall not be applicable in Denmark.
2. Whenever implementing measures are adopted pursuant to Article 74(2) of the Regulation, the implementing measures shall be communicated to Denmark. Denmark shall notify the Commission of its decision whether or not to implement the content of the implementing measures. Notification shall be given upon receipt of the implementing measures or within 30 days thereafter.
3. The notification shall state that all necessary administrative measures in Denmark enter into force on the date of entry into force of the implementing measures or have entered into force on the date of the notification, whichever date is the latest.
4. A Danish notification that the content of the implementing measures has been implemented in Denmark creates mutual obligations under international law between Denmark and the Community. The implementing measures will then form part of this Agreement.
5. In cases where:
 - (a) Denmark notifies its decision not to implement the content of the implementing measures; or

- (b) Denmark does not make a notification within the 30-day time-limit set out in paragraph 2, this Agreement shall be considered terminated unless the parties decide otherwise within 90 days. Termination shall take effect three months after the expiry of the 90-day period.
- 6. Legal proceedings instituted and documents formally drawn up or registered as authentic instruments before the date of termination of the Agreement as set out in paragraph 5 are not affected hereby.
- 7. If in exceptional cases the implementation requires parliamentary approval in Denmark, the Danish notification under paragraph 2 shall indicate this and the provisions of Article 3(5) to (8) shall apply.
- 8. Denmark shall notify the Commission of texts amending the items set out in Article 2(2)(g) to (j) of this Agreement. The Commission shall adapt Article 2(2)(g) to (j) accordingly.

Article 5

International agreements which affect the Brussels I Regulation

- 1. International agreements entered into by the Community based on the rules of the Brussels I Regulation shall not be binding upon and shall not be applicable in Denmark.
- 2. Denmark will abstain from entering into international agreements which may affect or alter the scope of the Brussels I Regulation as annexed to this Agreement unless it is done in agreement with the Community and satisfactory arrangements have been made with regard to the relationship between this Agreement and the international agreement in question.
- 3. When negotiating international agreements that may affect or alter the scope of the Brussels I Regulation as annexed to this Agreement, Denmark will coordinate its position with the Community and will abstain from any actions that would jeopardise the objectives of a Community position within its sphere of competence in such negotiations.

Article 6

Jurisdiction of the Court of Justice of the European Communities in relation to the interpretation of the Agreement

- 1. Where a question on the validity or interpretation of this Agreement is raised in a case pending before a Danish court or tribunal, that court or tribunal shall request the Court of Justice to give a ruling thereon whenever under the same circumstances a court or tribunal of another Member State of the European Union would be required to do so in respect of the Brussels I Regulation and its implementing measures referred to in Article 2(1) of this Agreement.
- 2. Under Danish law, the courts in Denmark shall, when interpreting this Agreement, take due account of the rulings contained in the case law of the

Court of Justice in respect of provisions of the Brussels Convention, the Brussels I Regulation and any implementing Community measures.

3. Denmark may, like the Council, the Commission and any Member State, request the Court of Justice to give a ruling on a question of interpretation of this Agreement. The ruling given by the Court of Justice in response to such a request shall not apply to judgments of courts or tribunals of the Member States which have become *res judicata*.
4. Denmark shall be entitled to submit observations to the Court of Justice in cases where a question has been referred to it by a court or tribunal of a Member State for a preliminary ruling concerning the interpretation of any provision referred to in Article 2(1).
5. The Protocol on the Statute of the Court of Justice of the European Communities and its Rules of Procedure shall apply.
6. If the provisions of the Treaty establishing the European Community regarding rulings by the Court of Justice are amended with consequences for rulings in respect of the Brussels I Regulation, Denmark may notify the Commission of its decision not to apply the amendments in respect of this Agreement. Notification shall be given at the time of the entry into force of the amendments or within 60 days thereafter.

In such a case this Agreement shall be considered terminated. Termination shall take effect three months after the notification.

7. Legal proceedings instituted and documents formally drawn up or registered as authentic instruments before the date of termination of the Agreement as set out in paragraph 6 are not affected hereby.

Article 7

Jurisdiction of the Court of Justice of the European Communities in relation to compliance with the Agreement

1. The Commission may bring before the Court of Justice cases against Denmark concerning non-compliance with any obligation under this Agreement.
2. Denmark may bring a complaint before the Commission as to the non-compliance by a Member State of its obligations under this Agreement.
3. The relevant provisions of the Treaty establishing the European Community governing proceedings before the Court of Justice as well as the Protocol on the Statute of the Court of Justice of the European Communities and its Rules of Procedure shall apply.

Article 8

Territorial application

1. This Agreement shall apply to the territories referred to in Article 299 of the Treaty establishing the European Community.
2. If the Community decides to extend the application of the Brussels I Regulation to territories currently governed by the Brussels Convention, the

Community and Denmark shall cooperate in order to ensure that such an application also extends to Denmark.

Article 9

Transitional provisions

1. This Agreement shall apply only to legal proceedings instituted and to documents formally drawn up or registered as authentic instruments after the entry into force thereof.
2. However, if the proceedings in the Member State of origin were instituted before the entry into force of this Agreement, judgments given after that date shall be recognised and enforced in accordance with this Agreement,
 - (a) if the proceedings in the Member State of origin were instituted after the entry into force of the Brussels or the Lugano Convention both in the Member State of origin and in the Member State addressed;
 - (b) in all other cases, if jurisdiction was founded upon rules which accorded with those provided for either in this Agreement or in a convention concluded between the Member State of origin and the Member State addressed which was in force when the proceedings were instituted.

Article 10

Relationship to the Brussels I Regulation

1. This Agreement shall not prejudice the application by the Member States of the Community other than Denmark of the Brussels I Regulation.
2. However, this Agreement shall in any event be applied:
 - (a) in matters of jurisdiction, where the defendant is domiciled in Denmark, or where Article 22 or 23 of the Regulation, applicable to the relations between the Community and Denmark by virtue of Article 2 of this Agreement, confer jurisdiction on the courts of Denmark;
 - (b) in relation to a *lis pendens* or to related actions as provided for in Articles 27 and 28 of the Brussels I Regulation, applicable to the relations between the Community and Denmark by virtue of Article 2 of this Agreement, when proceedings are instituted in a Member State other than Denmark and in Denmark;
 - (c) in matters of recognition and enforcement, where Denmark is either the State of origin or the State addressed.

Article 11

Termination of the agreement

1. This Agreement shall terminate if Denmark informs the other Member States that it no longer wishes to avail itself of the provisions of Part I of the Protocol on the position of Denmark, in accordance with Article 7 of that Protocol.

2. This Agreement may be terminated by either Contracting Party giving notice to the other Contracting Party. Termination shall be effective six months after the date of such notice.
3. Legal proceedings instituted and documents formally drawn up or registered as authentic instruments before the date of termination of the Agreement as set out in paragraph 1 or 2 are not affected hereby.

Article 12

Entry into force

1. The Agreement shall be adopted by the Contracting Parties in accordance with their respective procedures.
2. The Agreement shall enter into force on the first day of the sixth month following the notification by the Contracting Parties of the completion of their respective procedures required for this purpose.

Article 13

Authenticity of texts

This Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovene, Slovak, Spanish and Swedish languages, each of these texts being equally authentic.

Done at Brussels on the nineteenth day of October in the year two thousand and five.

III. PROCEDURE AND JUDICIAL ASSISTANCE

– Instrument of Ratification of the Agreement between the Kingdom of Spain and the People's Democratic Republic of Algeria on judicial assistance in criminal matters, done at Madrid on 7 October 2002 (*BOE* 65, 17/3/05).

Entry into force: 26 March 2005.

– Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters

(*Official Journal L* 300, 17/11/2005)

Article 1

Aim

1. The aim of this Agreement is to apply the provisions of the Regulation on the service of documents and its implementing measures to the relations between the Community and Denmark, in accordance with Article 2(1) of this Agreement.

2. It is the objective of the Contracting Parties to arrive at a uniform application and interpretation of the provisions of the Regulation on the service of documents and its implementing measures in all Member States.
3. The provisions of Articles 3(1), 4(1) and 5(1) of this Agreement result from the Protocol on the position of Denmark.

Article 2

Cooperation on the service of documents

1. The provisions of the Regulation on the service of documents, which is annexed to this Agreement and forms part thereof, together with its implementing measures adopted pursuant to Article 17 of the Regulation and – in respect of implementing measures adopted after the entry into force of this Agreement – implemented by Denmark as referred to in Article 4 of this Agreement, and the information communicated by Member States under Article 23 of the Regulation, shall under international law apply to the relations between the Community and Denmark.
2. The date of entry into force of this Agreement shall apply instead of the date referred to in Article 25 of the Regulation.

Article 3

Amendments to the Regulation on the service of documents

1. Denmark shall not take part in the adoption of amendments to the Regulation on the service of documents and no such amendments shall be binding upon or applicable in Denmark.
2. Whenever amendments to the Regulation are adopted Denmark shall notify the Commission of its decision whether or not to implement the content of such amendments. Notification shall be given at the time of the adoption of the amendments or within 30 days thereafter.
3. If Denmark decides that it will implement the content of the amendments the notification shall indicate whether implementation can take place administratively or requires parliamentary approval.
4. If the notification indicates that implementation can take place administratively the notification shall, moreover, state that all necessary administrative measures enter into force on the date of entry into force of the amendments to the Regulation or have entered into force on the date of the notification, whichever date is the latest.
5. If the notification indicates that implementation requires parliamentary approval in Denmark, the following rules shall apply:
 - (a) legislative measures in Denmark shall enter into force on the date of entry into force of the amendments to the Regulation or within 6 months after the notification, whichever date is the latest;
 - (b) Denmark shall notify the Commission of the date upon which the implementing legislative measures enter into force.

6. A Danish notification that the content of the amendments have been implemented in Denmark, in accordance with paragraph 4 and 5, creates mutual obligations under international law between Denmark and the Community. The amendments to the Regulation shall then constitute amendments to this Agreement and shall be considered annexed hereto.
7. In cases where:
 - (a) Denmark notifies its decision not to implement the content of the amendments; or
 - (b) Denmark does not make a notification within the 30-day time limit set out in paragraph 2; or
 - (c) legislative measures in Denmark do not enter into force within the time limits set out in paragraph 5,this Agreement shall be considered terminated unless the parties decide otherwise within 90 days or, in the situation referred to under (c), legislative measures in Denmark enter into force within the same period. Termination shall take effect three months after the expiry of the 90-day period.
8. Requests that have been transmitted before the date of termination of the Agreement as set out in paragraph 7 are not affected hereby.

Article 4

Implementing measures

1. Denmark shall not take part in the adoption of opinions by the Committee referred to in Article 18 of the Regulation on the service of documents. Implementing measures adopted pursuant to Article 17 of that Regulation shall not be binding upon and shall not be applicable in Denmark.
2. Whenever implementing measures are adopted pursuant to Article 17 of the Regulation, the implementing measures shall be communicated to Denmark. Denmark shall notify the Commission of its decision whether or not to implement the content of the implementing measures. Notification shall be given upon receipt of the implementing measures or within 30 days thereafter.
3. The notification shall state that all necessary administrative measures in Denmark enter into force on the date of entry into force of the implementing measures or have entered into force on the date of the notification, whichever date is the latest.
4. A Danish notification that the content of the implementing measures has been implemented in Denmark creates mutual obligations under international law between Denmark and the Community. The implementing measures will then form part of this Agreement.
5. In cases where:
 - (a) Denmark notifies its decision not to implement the content of the implementing measures; or
 - (b) Denmark does not make a notification within the 30-day time limit set out in paragraph 2,

this Agreement shall be considered terminated unless the parties decide otherwise within 90 days. Termination shall take effect three months after the expiry of the 90-day period.

6. Requests that have been transmitted before the date of termination of the Agreement as set out in paragraph 5 are not affected hereby.
7. If in exceptional cases the implementation requires parliamentary approval in Denmark, the Danish notification under paragraph 2 shall indicate this and the provisions of Article 3(5) to (8), shall apply.
8. Denmark shall communicate to the Commission the information referred to in Articles 2, 3, 4, 9, 10, 13, 14, 15, 17(a) and 19 of the Regulation on the service of documents. The Commission shall publish this information together with the relevant information concerning the other Member States. The manual and the glossary drawn up pursuant to Article 17 of that Regulation shall include also the relevant information on Denmark.

Article 5

International agreements which affect the Regulation on the service of documents

1. International agreements entered into by the Community when exercising its external competence based on the rules of the Regulation on the service of documents shall not be binding upon and shall not be applicable in Denmark.
2. Denmark will abstain from entering into international agreements which may affect or alter the scope of the Regulation on the service of documents as annexed to this Agreement unless it is done in agreement with the Community and satisfactory arrangements have been made with regard to the relationship between this Agreement and the international agreement in question.
3. When negotiating international agreements that may affect or alter the scope of the Regulation on the service of documents as annexed to this Agreement, Denmark will coordinate its position with the Community and will abstain from any actions that would jeopardise the objectives of a coordinated position of the Community within its sphere of competence in such negotiations.

Article 6

Jurisdiction of the Court of Justice of the European Communities in relation to the interpretation of the Agreement

1. Where a question on the validity or interpretation of this Agreement is raised in a case pending before a Danish court or tribunal, that court or tribunal shall request the Court of Justice to give a ruling thereon whenever under the same circumstances a court or tribunal of another Member State of the European Union would be required to do so in respect of the Regulation on the service of documents and its implementing measures referred to in Article 2(1) of this Agreement.

2. Under Danish law, the courts in Denmark shall, when interpreting this Agreement, take due account of the rulings contained in the case law of the Court of Justice in respect of provisions of the Regulation on the service of documents and any implementing Community measures.
3. Denmark may, like the Council, the Commission and any Member State, request the Court of Justice to give a ruling on a question of interpretation of this Agreement. The ruling given by the Court of Justice in response to such a request shall not apply to judgments of courts or tribunals of the Member States which have become *res judicata*.
4. Denmark shall be entitled to submit observations to the Court of Justice in cases where a question has been referred to it by a court or tribunal of a Member State for a preliminary ruling concerning the interpretation of any provision referred to in Article 2(1).
5. The Protocol on the Statute of the Court of Justice of the European Communities and its Rules of Procedure shall apply.
6. If the provisions of the Treaty establishing the European Community regarding rulings by the Court of Justice are amended with consequences for rulings in respect of the Regulation on the service of documents, Denmark may notify the Commission of its decision not to apply the amendments under this Agreement. Notification shall be given at the time of the entry into force of the amendments or within 60 days thereafter.

In such a case this Agreement shall be considered terminated. Termination shall take effect three months after the notification.

7. Requests that have been transmitted before the date of termination of the Agreement as set out in paragraph 6 are not affected hereby.

Article 7

Jurisdiction of the Court of Justice of the European Communities in relation to compliance with the Agreement

1. The Commission may bring before the Court of Justice cases against Denmark concerning non-compliance with any obligation under this Agreement.
2. Denmark may bring a complaint before the Commission as to the non-compliance by a Member State of its obligations under this Agreement.
3. The relevant provisions of the Treaty establishing the European Community governing proceedings before the Court of Justice as well as the Protocol on the Statute of the Court of Justice of the European Communities and its Rules of Procedure shall apply.

Article 8

Territorial application

This Agreement shall apply to the territories referred to in Article 299 of the Treaty establishing the European Community.

Article 9

Termination of the Agreement

1. This Agreement shall terminate if Denmark informs the other Member States that it no longer wishes to avail itself of the provisions of Part I of the Protocol on the position of Denmark, in accordance with Article 7 of that Protocol.
2. This Agreement may be terminated by either Contracting Party giving notice to the other Contracting Party. Termination shall be effective six months after the date of such notice.
3. Requests that have been transmitted before the date of termination of the Agreement as set out in paragraph 1 or 2 are not affected hereby.

Article 10

Entry into force

1. The Agreement shall be adopted by the Contracting Parties in accordance with their respective procedures.
2. The Agreement shall enter into force on the first day of the sixth month following the notification by the Contracting Parties of the completion of their respective procedures required for this purpose.

Article 11

Authenticity of texts

This Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovene, Slovak, Spanish and Swedish languages, each of these texts being equally authentic.

Done at Brussels on the nineteenth day of October in the year two thousand and five.

IV. RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS AND DECISIONS

(see sections II and III, *supra*)

V. INTERNATIONAL COMMERCIAL ARBITRATION

VI. CHOICE OF LAW: SOME GENERAL PROBLEMS

VII. ALIENS, REFUGEES AND CITIZENS OF THE EUROPEAN COMMUNITY

– Agreement between the Kingdom of Spain and the Swiss Confederation on the readmission of persons in irregular situations and Protocol for its application, done at Madrid on 17 November 2003 (BOE 17, 20/1/05).

Entry into force: 12 January 2005.

– Entry into force of the Agreement between the Kingdom of Spain and the Republic of Bulgaria on the regulation of migratory flows of workers between the two States, done at Madrid on 28 October 2003 (BOE 81, 5/4/05).

Entry into force: 19 February 2005.

Provisional application: as from 27 November 2003 (BOE 299, 15/12/03).

– Entry into force of the Agreement between the Kingdom of Spain and the Republic of Peru for cooperation in matters of immigration, done at Madrid on 6 July 2004 (BOE 159, 5/7/05).

Entry into force: 31 May 2005.

Provisional application: as from 5 August 2004 (BOE 237, 1/10/04).

VIII. NATURAL PERSONS: LEGAL INDIVIDUALITY, CAPACITY AND NAME

IX. FAMILY LAW

X. SUCCESSION

XI. CONTRACTS

XII. TORTS

XIII. PROPERTY

XIV. COMPETITION LAW

XV. INVESTMENTS AND FOREIGN EXCHANGE

– Agreement between the Kingdom of Spain and the Syrian Arab Republic for the promotion and protection of investment, done at Damascus on 20 October 2003 (BOE 42, 18/2/05).

Entry into force: 14 December 2004.

- Agreement between the Kingdom of Spain and the Kingdom of Morocco on reciprocal promotion and protection of investment, done *ad referendum* at Madrid on 11 December 1997 (BOE 86, 11/4/05).
Entry into force: 13 April 2005.

XVI. FOREIGN TRADE LAW

XVII. BUSINESS ASSOCIATION/CORPORATION

XVIII. BANKRUPTCY

XIX. TRANSPORT LAW

- Agreement between the Kingdom of Spain and the Republic of Bulgaria on international transport of passengers and goods by road, done at Sofia on 1 September 2003 (BOE 66, 18/3/05).
Entry into force: 12 March 2005.

XX. LABOUR LAW AND SOCIAL SECURITY

- Administrative agreement for application of the Social Security Convention between the Kingdom of Spain and the Republic of Tunisia of 26 February 2001 and Special agreement annexed to the Administrative agreement on reimbursement of health care expenses, done at Tunis on 9 September 2004 (BOE 24, 28/1/05).
Entry into force: 1 January 2002.
- Social Security Convention between the Kingdom of Spain and the Republic of Peru, done *ad referendum* at Madrid on 16 June 2003 (BOE 31, 5/2/05).
Entry into force: 1 February 2005.
- Entry into force of the Agreement on labour between the Kingdom of Spain and the Kingdom of Morocco, done at Madrid on 25 July 2001 (BOE 114, 13/5/05).
Entry into force: 1 September 2005.
- Provisional Application of the Supplementary Protocol to the Social Security Convention between the Kingdom of Spain and the Argentine Republic, signed on 28 January 1997, done at Buenos Aires on 21 March 2005 (BOE 122, 23/5/05).
Provisional application: as from 1 April 2005.
- Provisional Application of the Supplementary Agreement to the Social Security Convention between the Kingdom of Spain and the Oriental Republic of Uruguay on 1 December 1997, done at Segovia on 8 September 2005 (BOE 287, 1/12/05).
Provisional application: as from 1 October 2005.

XXI. CRIMINAL LAW

– Entry into force of the Agreement between the Kingdom of Spain and the Republic of Latvia on cooperation in matters of combating terrorism, organized crime, illegal trafficking in narcotics, psychotropic substances and precursors, and other offences, done at Madrid on 24 November 2003 (*BOE* 170, 18/7/05).

Entry into force: 31 May 2005.

Provisional application: as from 24 December 2003 (*BOE* 32, 6/2/04).

– Entry into force of the Agreement between the Kingdom of Spain and the Republic of Paraguay on cooperation in matters of prevention of the consumption of and control of illegal trafficking in narcotics and psychotropic substances, done at Asunción on 1 August 2003 (*BOE* 194, 15/8/05).

Entry into force: 4 September 2005.

– Protocol amending the Extradition Convention of 23 July 1892 between the Kingdom of Spain and the Republic of Colombia, done *ad referendum* at Madrid on 16 March 1999 (*BOE* 219, 13/9/05).

Entry into force: 17 September 2005.

XXII. TAX LAW

– Convention between the Kingdom of Spain and the Republic of Latvia to avoid double taxation and prevent tax evasion in matters of income and property taxes, done at Riga on 4 September 2003 [*BOE* 8, 10/1/05 and *BOE* 57, 8/3/05 (correction of errors)].

Entry into force: 14 December 2004.

– Convention between the Kingdom of Spain and the Republic of Estonia to avoid double taxation and prevent tax evasion in matters of income and property taxes, done at Tallinn on 3 September 2003 (*BOE* 29, 3/2/05).

Entry into force: 28 December 2004.

– Provisional Application of the Exchange of Notes of 26 November 2004 and 18 February 2005, constituting an Agreement on the taxation of savings income between the Isle of Man and the Kingdom of Spain (*BOE* 154, 29/6/05).

Provisional application: as from 1 July 2005.

– Provisional Application of the Exchange of Notes of 26 November 2004 and 14 February 2005, constituting an Agreement on the taxation of savings income between the Kingdom of Spain and the island of Jersey (*BOE* 155, 30/6/05).

Provisional application: as from 1 July 2005.

– Provisional Application of the Exchange of Notes of 26 November 2004 and 17 February 2005, constituting an Agreement on the taxation of savings income between the Kingdom of Spain and the Island of Guernsey (*BOE* 155, 30/6/05).
Provisional application: as from 1 July 2005.

– Convention between the Kingdom of Spain and the People's Democratic Republic of Algeria to avoid double taxation and prevent tax evasion in matters of income and property taxes, done *ad referendum* at Madrid on 7 October 2002 (*BOE* 174, 22/7/05).
Entry into force: 6 July 2005.